

Southern Planning Committee

Agenda

Date:	Wednesday 16th March 2011
Time:	2.00 pm
Venue:	Lecture Theatre, Crewe Library, Prince Albert Street, Crewe, Cheshire CW1 2DH

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or of all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda

3. Minutes of Previous meeting (Pages 1 - 4)

To approve the minutes of the meeting held on 23 February 2011

4. Public Speaking

A total of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individual groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **09/2358C - Thimswarra Farm, Dragons Lane, Moston, Sandbach, Cheshire, CW11 3QB: Retrospective Application for Change of Use from Agricultural Land to a Site for a Mobile Home for Occupation by an English Traveller who has Ceased to Travel Due to Ill Health and long Standing Disability for Mr A D Arrowsmith** (Pages 5 - 20)

To consider the above planning application

6. **10/4955N - 58 South Crofts, Nantwich, CW5 5SG: Demolition of Existing Semi-Detached Property and Erection of Replacement Dwelling for Mr & Mrs K Nord** (Pages 21 - 38)

To consider the above planning application

7. **10/4597N - 58 South Crofts, Nantwich, CW5 5SG: Conservation Area Consent for Demolition of Existing Property and Erection of Replacement Dwelling for Mr & Mrs K Nord** (Pages 39 - 46)

To consider the above planning application

8. **11/0217C - Land adjacent 6 Heath End Road, Alsager: Residential Proposal for a Single Detached Dwelling for Mr A Girvin** (Pages 47 - 56)

To consider the above planning application

9. **10/2384C - Land Adjacent Newcastle Road, Brereton, Cheshire: Change of Use of Land to Mixed Equestrian/Agricultural Including Formation of a Private Horse Breeding and Training Facility to Comprise Stabling, Storage and Indoor and Outdoor Exercise Arenas for Mr Davenport** (Pages 57 - 68)

To consider the above planning application

10. **10/5008N - Former Surgery & Pharmacy, 501 Crewe Road, Wistaston, Crewe, CW2 6QP: Change of Use from Former GP Surgery and Pharmacy to Chinese Restaurant and Take-away for Mr Wah Lau** (Pages 69 - 76)

To consider the above planning application

11. **11/0415C - Congleton Cricket Club, Booth Street, Congleton, CW12 4DG: Joint Operator Monopole Type Tower Supporting 6no. Antennas and Associated Head Frame (Total Height 17.6m), 1no. Equipment Cabinet, 1no. Meter Cabinet and All Ancillary Development for O2 and Vodafone c/o WFS Telecom (Pages 77 - 84)**

To consider the above planning application

12. **11/0431C - Grass Verge Adjacent Entrance to Berkshire Drive, Rood Hill, Congleton Cheshire: 19.8M High Joint Operator Street Furniture Type Telecommunication Tower, 1no Equipment Cabinet, 1no Meter Cabinet and All Ancillary Development for O2 and Vodafone (Pages 85 - 92)**

To consider the above planning application

13. **11/0495N - Wychwood Park Hotel, Wychwood Park, Weston: Extension to Time Limit on Application P08/0497 for Cheshire East Council (Pages 93 - 100)**

To consider the above planning application

14. **11/0474C - Barnshaw Bank Farm, Mill Lane, Goostrey, CW4 8PW: Conversion of Existing Agricultural Building to form 2no Private Dwellings for Mr J Ashbrook (Pages 101 - 110)**

To consider the above planning application

15. **Report in Relation to Section 106 Agreement for New Scout Hut on Land at Bunbury Playing Fields, Bunbury (Pages 111 - 114)**

To consider a report seeking approval for alterations to the "The Tree Planting Scheme" in the Section 106 Agreement for the Scout Hut, which has now been completed and is in occupation at Bunbury Playing Fields Bunbury, which was the subject of planning application P08/0167.

16. **Elworth Hall Farm, Dean Close, Elworth (Pages 115 - 118)**

To consider a report seeking the withdrawal of a reason for refusal relating to planning application 10/2006C for the Demolition of the existing buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 23rd February, 2011 at Committee Suite 1, 2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor G Merry (Chairman)

Councillors W T Beard, W S Davies, B H Dykes, S Furlong, J Jones, S Jones,
A Kolker, R Walker, M J Weatherill and R Westwood

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor J Hammond

OFFICERS PRESENT

Rosamund Ellison (Principal Planning Officer)
Rachel Goddard (Senior Lawyer)

Apologies

Councillors L Gilbert, D Bebbington, E Howell and S McGrory

167 DECLARATIONS OF INTEREST

There were no declarations of interest.

168 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the revised minutes of the meeting held on 2 February 2011, as tabled at the meeting, be approved as a correct record and signed by the Chairman.

**169 10/2516N - ROSE COTTAGE, DAMSON LANE, AUDLEM, CW3 0EU:
DEMOLISH GROUP OF EXISTING PRE-FAB GARAGES AND
OUTBUILDINGS AND REPLACE WITH NEW DETACHED
GARAGE/WORKSHOP, WHILST RETAINING OLD STYLE PIGSTY AND
ENCLOSURE FOR MR D COOPER AND MS M HOLLINSHEAD**

Note: Mr M Haines (Audlem District Amenities Society), Mrs K Nicholls (objector) and Mr D Cooper (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED – That the Head of Planning and Housing be granted delegated authority to APPROVE the application following discussion with the Chairman, subject to the receipt of further plans showing a significant reduction in the ground level for the siting of the garage/workshop building. The plans shall include the level of the existing road for reference.

Approval to be subject to the following conditions:

1. Standard Time
2. Details of facing materials to be submitted and approved.
The building shall be completed in brick.
3. Details of the extent of surfacing and the materials to be used to be submitted and approved
4. Permission relates to parking of vehicles and ancillary workshop for domestic use only and no permission given for change of use to domestic garden/extension of curtilage.
5. Details of replacement tree planting
6. Details of tree and hedgerow protection
7. Details of works to the pig sty to be submitted and approved
8. Roof light to be conservation type set flush with roof plane
9. Approved plans
10. Level to be provided in accordance with the approved plans.

170 **10/4412N - 61 ROPE LANE, SHAVINGTON, CW2 5DA - PUTTING UP TWO PARTITION WALLS IN ORDER TO USE ONE QUARTER OF EXISTING GARAGE AS A SMALL DOG GROOMING SALON FOR MRS A VENABLES**

Note: Councillor B Kelly (on behalf of Shavington-cum-Gresty Parish Council), Mr Saunders (objector) and Mr P Whelan (supporter) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Temporary permission for 12 months
2. Approved plans
3. Hours of operations to be 9am until 3pm Mondays to Fridays
4. Details of noise attenuation to be submitted
5. Dog grooming to be restricted to detached garage only
6. Number of dogs per working day restricted to 4
7. No more than two dogs associated with the business on site at any one time
8. Dogs shall be kept within the garage at all times other than when entering and egressing from the site
9. Permission to be personal to the applicant

- 171 **10/4497N - LITTLE ISLAND NURSERIES, HAYMOOR GREEN ROAD, WYBUNBURY, CW5 7HG: CHANGE OF USE FOR THE LAND FROM HORTICULTURAL TO EQUESTRIAN, THE PROVISION OF A 60X30M MANEGE AND 60X12M STABLE BLOCK, A MUCK MIDDEN AND HAY STORE, A HORSE WALKER AND THE REQUEST FOR VARIATION OF OCCUPANCY OF THE SITE TO INCLUDE EQUESTRIAN MANAGER FOR MR G HEATH**

Note: Councillor J Hammond (Ward Councillor and representative of Mr S Reed, an objector who was unable to attend), Councillor T Lightfoot (on behalf of Wybunbury Parish Council) and Mr A Thornley (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The development site is too small to accommodate the proposed livery business for 20 horses. To allow the development would be contrary to policy RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Note: In accordance with Part 4B, Paragraph 31.4 of the Council's Constitution, Councillors B Dykes, A Kolker and G Merry requested that it be recorded in the Minutes that they abstained from voting on this item.

- 172 **10/4468N - CROSSING FACILITY, MIDDLEWICH ROAD, NANTWICH: PROVISION OF A 3 METRE WIDE CYCLEWAY/FOOTWAY, COMPRISING SUB-BASE MATERIAL AND SURFACED WITH TARMACADAM. PROVISION OF CROSSING LOCATIONS AS DETAILED ON DRAWINGS FOR CHESHIRE EAST COUNCIL**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Commencement of development (3 years)
2. Materials as application
3. Development in accord with approved plans
4. Proposed route as indicated in Arboricultural Statement
5. Works to be carried out in accordance with Recommendations of Arboricultural Statement

173 **APPEAL SUMMARIES**

The Committee considered a summary of appeal decisions.

RESOLVED - That the appeal summaries be noted.

The meeting commenced at 2.00 pm and concluded at 4.20 pm

Councillor G Merry (Chairman)

Application No: **09/2358C**

Location: **Thimswarra Farm, Dragons Lane, Moston, Sandbach, Cheshire, CW11 3QB**

Proposal: **Retrospective Application for Change of Use from Agricultural Land to a Site for a Mobile Home for Occupation by an English Traveller who has Ceased to Travel Due to Ill Health and long Standing Disability**

Applicant: **Mr A D Arrowsmith**

Expiry Date: **10th December 2010**

Ward: **Congleton Rural**

Date Report Prepared: **3rd March 2011**

SUMMARY RECOMMENDATION:**Refuse****MAIN ISSUES:**

- Procedural Matters;
- Site History;
- Principles of Development;
- Assessment Against Policy;
- Sustainability;
- Impact on Character and Appearance of Open Countryside;
- Amenity;
- Highways;
- Drainage;
- Human Rights Act;
- Personal Circumstances; and
- Other Matters

REFERRAL

This application was originally to be dealt with under delegated powers. However, Councillor J Wray has requested that it be referred to Committee for the following reason – *‘special circumstances of the applicant and to give a wider hearing to his case for the Committee to decide on merits etc and the effect of proposal on amenity of adjoining land’*.

DESCRIPTION OF SITE AND CONTEXT

The application site is located in the corner of a (much larger) field on the south side of Dragon Lane. Furthermore, the site is in a prominent position adjacent to the junction of Dragon Lane and Plant Lane. The site boundaries are demarcated by mature native hedgerows. The applicant has erected a close boarded timber fence (in excess of 2m high) around the majority of the perimeter of the site. The site is accessed directly from Dragons Lane via a utilitarian double wooden gate. Beyond the gate is an extensive area of hard standing which skirts around the periphery of the site and terminates at a large static caravan (which is the subject of this application), located to the front of the caravan is a large timber decked area and pergola, with a lawned area beyond. It was noted that when the case officer conducted his site visit there was numerous vehicles and a touring caravan. Located towards the rear of the mobile home was a steel shipping container with solar panels erected on top of it. Towards the south of the application site are a number of chicken houses. The application site is separated from the remainder of the field by a post and wire fence. The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

This is a retrospective application for the change of use of agricultural land to a site for a mobile home at Thimswarra Farm, Dragons Lane, Moston, Sandbach. The static caravan comprises two no. bedrooms, lounge, dining area, kitchen, bathroom and hallway. The caravan has been positioned in the northwest corner of the application site adjacent to the junction of Dragons Lane and Plant Lane. The caravan is occupied solely by the applicant who claims to be an English Traveller who has ceased to travel due to ill health and long standing disability.

RELEVANT HISTORY

No relevant site history

POLICIES

Local Plan Policy – Congleton Borough Local Plan First Review 2005

- GR1 (New Development)
- GR2 (Design)
- GR6 (Amenity and Health)

GR9 (Accessibility, Servicing and Parking Provision)
GR17 (Car Parking)
GR19 (Infrastructure)
GR20 (Public Utilities)
PS8 (Open Countryside)
H6 (Residential Development in the Open Countryside and the Green Belt)
H7 (Residential Caravans and Mobile Homes)
H8 (Gypsy Caravan Sites)

National Planning Guidance

PPS.1 (Delivering Sustainable Development)
PPS.7 (Sustainable Rural Development)
PPG.13 (Transport)

Other Material Considerations

Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites

CONSIDERATIONS (External to Planning)

Contaminated Land Comments:

No objections

Environmental Health Comments:

If planning permission were granted a site licence would be required under the Caravan Sites and Control of Development Act 1960. The following conditions will need to be taken into consideration that may have a knock on effect for planning:

Site boundaries, should be clearly marked i.e. with fences or hedges.

Roads, gateways and footpaths must be of suitable material/construction and suitably lit, and have adequate access for emergency services etc. Suitably surfaced parking spaces shall be provided where necessary to meet the additional requirements of the occupants and visitors.

Drainage sanitation and washing facilities. There must be provision of a foul drainage system made. Each caravan standing should be connected to foul drainage. Each caravan standing should have its own water supply, W.C, W.H.B, shower or bath (hot & cold water). Where these facilities are not present, they should be provided in an adequately constructed building. Each hard standing should have adequate surface water drainage.

1. **Hard-standing.** Every caravan should stand on a concrete or tarmac hard-standing which should extend over the whole area occupied by the caravan placed upon it, and should project a sufficient distance outwards from its entrance to enable occupants to enter and leave safely.

This division is concerned about the existing method of foul drainage (i.e. Septic tank) and whether it has been constructed in an adequate manor for the site and ground conditions. Advice should be sought from the Borough's Drainage Department and the Environment Agency.

This department would have to issue a caravan site licence if this application is permitted. It appears that the applicant is claiming English Gypsy or Irish Traveller status (it is not clear which given the terminology used). However, the supporting statement does not suggest this ethnicity group, but rather a circumstantial mode of living and it is suggested that the Planning Department satisfy themselves as to this question given the differing criteria under planning and caravan site licensing legislation. We would be grateful for any permission if granted to state if the permission is open residential or restricted Gypsy/Traveller use.

Highways: No comments received at the time of writing this report.

VIEWS OF THE PARISH / TOWN COUNCIL

No objections subject to the following comments

- Time constraints to be put in place on this planning application; and
- Any decision the Council makes should be for the applicant only.

OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of 124 Plant Lane, 8 Oakwood Lane; Salter Cottage, Plant Lane; 6 Plant Lane, Woodville Farm, Dragons Lane; Ivy Cottage Farm, Plant Lane; White House, Dragons Lane. The salient points raised in the objection letters are:

- The proposal would detract from the essentially agricultural nature of the area;
- If approved the proposal could lead to other 'Travellers' joining the applicant;
- We do not want a traveller home to be allowed on agricultural land in our community when there are four travellers' sites already in the area. We have a nature reserve close by and wish to keep the countryside as it is. If one traveller is allowed a mobile home on this land, others may follow;
- Moston is a predominantly agricultural area where planning permission is extremely restricted. The applicant has set up an intrusive unpermitted development which has an adverse effect on the countryside area and is contrary to policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review;
- There is nothing to stop the site being further developed if permission is granted, leading to further retrospective planning applications to increase the site development;
- Allowing retrospective planning permission for this application will set a precedent which may encourage others to follow a similar route, by

ignoring recognised planning process and procedure in the hope of securing a positive outcome;

- The proposal would be detrimental to the area as it is in a green belt area which, by definition, is predominately an agricultural area;
- There is already a similar development further down Dragon's Lane at its junction with Warmingham Lane. This development seems to have grown out of all proportion. I would hope that if this application were to be approved, that restrictions would be imposed so that subsequent growth would not be permitted;
- This site is unnecessary as there are already sufficient adequate sites in the local area;
- The application, plans and photograph submitted do not reflect the true nature of the development and the number of vehicles, structures and units has continued to increase since the applicant took up residence in April 2009;
- In addition to the mobile home there is a large lorry permanently sited, a big livestock trailer, a sizeable metal storage container and an additional caravan. There are mounted solar panels highly visible above the site and a substantial pergola type structure at least equal in size and area to the mobile home and attached to it. There are also collections of garden ornaments and paraphernalia and a poultry/aviary construction. There is extensive and totally inappropriate waneylap type garden fencing, camouflage netting and high solid wooden gates topped by barbed wire;
- The application states on-site parking for 2 cars and 1 motorcycle. There are now 6 cars, often 7, regularly parked on the site plus a JCB digger and a tractor;
- The planned position of a septic tank is not suitable for access/servicing/emptying because it is to be placed at the edge of the site, far away from the entrance gate. There is no indication of the position/structure/materials required for a soakaway or connections to field drains/outlets. The overflow/waste water from impermeable structures such as the mobile home, storage unit, vehicles, driveways and septic tank will exit into roadside ditches and have serious implications for nearby land, neighbouring properties and highways;
- The applicant claims to have consulted his 'neighbours' but he has not approached the two nearest – ourselves at Woodville Farm and Miss Ruth Williams (Ivy Cottage Farm, Plant Lane). We are both in direct sight and hearing of the development and are directly affected by it;
- The applicant's occupation of the site presents unacceptable consequences for the amenity of nearby residents and detracts from the aesthetic value of the surrounding landscape and area;
- The proposal has a detrimental impact on the character and appearance of the area;
- There is an audible impact on nearby residents and the locality. Electricity is not only produced by the solar panels but also by the frequent use of a noisy generator that can be heard in the surrounding area.
- We question the validity of the applicant's definition of himself as a disabled nomad/traveller and therefore his justification for the residential use of agricultural land. Furthermore this development is undesirable and non-sustainable;

- The applicant claims to be disabled yet has undertaken heavy physical work including erecting a large pergola, installing solar panels and general maintenance;
- The proposal is detrimental to the amenity of the area;
- The overflow/waste water etc from the mobile home, septic tank and soakaway into roadside ditches must run a risk of toxic waste that could affect the neighbouring properties;
- I feel threatened by this development which has expanded at an alarming rate. I am concerned that there will be further growth in residential use directly opposite my house, stables and lane.

**Email from William Goodall former CBC Councillor, Brereton Ward
(Dated 16th February 2011)**

- In the application documentation posted on the Cheshire East Website, the letter dated 24th July 2009 from Mr Alan David Arrowsmith does not appear to be strictly accurate. I imagine that the planning office have made suitable checks and are aware of this. However for the avoidance of doubt, I attached the following public domain information brought to my attention;
- According to the Electoral Roll 2004, Alan D Arrowsmith was resident in Sandbach, Cheshire, with Scott N Bradshaw, Tracy Bradshaw, Judith Arrowsmith, Alice Davenport and Tracey Bradshaw.
- According to the Electoral Roll 2003, Alan D Arrowsmith was resident in Sandbach, Cheshire, with Arthur J Mellor, Judith Arrowsmith, R Thompson, Denise A Mellor, Paul Arrowsmith.
- There are further records in earlier electoral rolls for the CBC area, to which I am confident planning has full and detailed access.
- Given the above information, the development therefore breaches a number of planning regulations including CBC Policy H8 I) & III). You will also be aware that this development is visible from the junction of Plant Lane & Dragons Lane and now blocks former views over open countryside, that existed in early 2009.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- The proposed residential use of the land would have no detrimental effect on the amenities of the neighbouring occupiers. It is associated with the continued agricultural use of the remainder of the field. The use is entirely compatible with the area and would add to an existing mix of residential and agricultural uses in the locality;
- A single caravan pitch is proposed. This will not place an unacceptable burden on local services and is an efficient use of a small plot of land;
- The proposed caravan pitch is compact and located close to the road and field boundary, restricting built development to a minimum and allowing good screening by the field hedge. Each space within the site has a definite function. Hard standing is kept to a minimum and the site is made secure by field gates;

- Fencing is also domestic and unobtrusive. Although the caravan on the site does not comprise building operations it is of reasonable size for a single residential plot;
- The natural rural simplicity of the site is retained and no complex urban style soft landscaping, which would in any case appear incongruous, is proposed;
- the proposed development would fit well with its surroundings and has no detrimental visual impact;
- The site is safe and it is easy for people to move around within the site. In terms of vehicular access the shared access onto the land provides excellent levels of visibility in both directions for vehicles entering and exiting the site.

Numerous Emails Received form Alan David Arrowsmith (The Applicant)

- The Council has not handled the planning application in an appropriate manner;
- The application site is not in the Green Belt;
- There are similar types of development within the locality;
- The application site is completely screened from any view by mature native hedgerow and fencing;
- Other people in the locality are living in mobile homes in the area;
- I have become homeless and have had two operations on my back and am not able to work.

OFFICER APPRAISAL

Procedural Matters

A number of local residents have claimed that as the application is retrospective the applicant has been acting illegally. However, as confirmed in PPG 18: Enforcing Planning Control, it is not an offence to carry out development without first obtaining planning permission required for it. Furthermore, Section 73A of the 1990 Town and Country Planning Act specifically provides that a grant of planning permission can be given for a development that has already taken place. A number of local residents have stated that the planning application forms have been completed inaccurately. The case officer acknowledges that this may be the case but does not consider that the application is fundamentally flawed and the information submitted is sufficient for it to be determined on its merits, and if necessary some of the issues raised by residents could be controlled by the imposition of conditions, in the event that planning permission is granted.

Site History

The siting of the mobile home was first reported to the Council in April 2009. The site was visited on 29th April 2009 when it was noted that a mobile home had been stationed on the site and at that time there were also a 4 wheel drive vehicle, a lorry containing furniture and a horsebox. Since that time a pergola has been constructed along with an area of decking directly outside

the mobile home. In addition to this a driveway/hardstanding has been formed around the part of the perimeter of the site. A steel shipping container has been sited on the land with solar panels installed on top of it.

In June 2009 a letter was sent to the applicant which set out the Council's view regarding the use of the land. In this letter the applicant was advised that, having due consideration to relevant national and local policies it was unlikely planning permission would be granted for the change of use of the land for the siting of a residential caravan.

In July 2009 a retrospective planning application was submitted to the Council, however, this could not be made valid as it lacked sufficient information and a fee. Whilst the outstanding documentation was submitted the full fee was not paid so the application remained invalid. By May 2010, the applicant had still failed to pay the full fee, consequently a further letter was sent advising if the outstanding balance was not received by the 14th May 2010 the Council would have no option but to consider the expediency of taking enforcement action. On the 28th July 2010 authority was given to issue an Enforcement Notice in relation to the unauthorised change of use. The Enforcement Notice was issued on the 14th October 2010. However, the applicant made the final payment on the 15th October 2010 and the planning application was made valid. Upon receipt of the Enforcement Notice the applicant decided to Appeal against it. The Enforcement Notice Appeal is due to be heard in April. If the Committee decides to approve this application, the Council would have to withdraw their Enforcement Notice and the applicant could apply for an award of costs against the Council.

Principles of Development

As with national planning guidance, Policy PS8 (Open Countryside) of the Local Plan seeks to safeguard the countryside for its own sake and prevent non-essential development that may cause harm to the character and appearance and openness of the countryside.

However, policies within the development plan, in conjunction with national planning guidance and advice in Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites), accept that outside Green Belt areas, rural settings are acceptable in principle for gypsy and traveller caravan sites. The applicant argues that a degree of harm to the character and appearance of the countryside is unavoidable but points out that Government advice suggests that in most cases this visual harm can be satisfactorily mitigated with appropriate landscaping. However, whilst the need for gypsy and traveller accommodation is a consideration, both development plan policies and Government guidance require, in addition, consideration of the impact on the surrounding area, neighbouring amenity, highway safety, the need to respect the scale of the nearest settled community and also the availability of alternatives to the car in accessing local services.

Assessment against Policy

Policy H.8 (Gypsy Caravan Sites)

According to Policy H.8 planning permission will be granted for proposals for temporary or permanent gypsy caravan sites provided they comply with the following criteria:

- (i) Avoids unacceptable consequences for the amenity of nearby residents;*
- (ii) Comprises a site which is not within the Greenbelt, Area of Special County Value for Landscape or affects sites of nature conservation or archaeological interest;*
- (iii) Is of an appropriate scale which would not detract from the value of the surrounding landscape;*
- (iv) Is adequately screened and landscaped;*
- (v) Provides satisfactory onsite parking and access from a public highway;*
- (vi) Provides adequate onsite facilities and services to serve all caravans;*
- (vii) Does not prejudice other relevant local plan policies;*
- (viii) Does not conflict with utility company or agricultural interests;*
- (ix) Avoids wherever possible encroachment on the open countryside; and*
- (x) Is, wherever possible, within 1.6km (1 mile) of existing local shops, community facilities, primary school and public transport facilities.*

In addition to the above, Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites' is an important material planning consideration. The Circular defines a gypsy or traveller as:

'Person of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'. (Paragraph 15)

At the time of the Council's initial visit to the site the applicant stated that he was not employed in agriculture, forestry or any other appropriate rural enterprise and that he was not a gypsy. However, in a subsequent letter, dated 24th July 2009, he claimed to be an English Person of Nomadic Habit of Life that due to disability has ceased to travel. He explained that for many years he was a long distance lorry driver spending many nights away from home and sleeping in his vehicle. He goes on to claim to have an aversion to living next door to other people and finds the idea of settling in suburbia unthinkable. The applicant claims that prior to purchasing the application site he owned a motor home in which he lived and travelled the country, staying in lay-bys and fields, but unfortunately due to his disability which affected his health he reluctantly had to sell this.

The applicant has previously likened his travelling during his occupation as an HGV driver to that of being a gypsy and as referred to the aforementioned definition of Gypsies and Travellers. He claims that his occupation of the site does not represent unacceptable consequences for the amenity of nearby residents and in particular to prevent noise pollution he has installed solar

panels to produce silent renewable energy. The site is not within a Green Belt or an Area of Special County Value for landscape, and the proposal does not affect sites of nature conservation or archaeological interest. The plot of land is approximately 1.5 acres which the applicant contends is ample to site the mobile home and provide good parking for at least three vehicles plus space for growing vegetables for home consumption without detracting from the value of the surrounding landscape. The plot is positioned in the corner of a field with front and side elevations well screened from nearby roads by mature trees and hedges. Access is via a previous existing gateway with sufficient on-site parking for up to three vehicles screened by mature hedges. The applicant contends that he only wants to have one mobile home on the site and on-site facilities would be adequate for this when the septic tank is installed. The applicant claims that the Change of Use would not prejudice other Local Plan policies and he has checked with the utility company operating the gas governor in the far corner of the field who has confirmed that the development would not cover any of their underground services or present them with any other problems. The applicant has pointed out that the mobile home will not be occupied by children requiring primary school facilities. He believes the site is within easy reach of community facilities and local shops.

Circular 01/2006 defines gypsies and travellers as 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or families or dependants educational or health needs or old age have ceased to travel temporarily or permanently'. The applicant's description of his personal circumstances suggest that until recently he has shared a permanent home with his (now ex-) wife. Long distance lorry driving denotes a mobile job rather than a motor home. After moving out of the matrimonial home, the period which was spent travelling in a mobile home appears to have been a recent and temporary phase connected with a specific event (his divorce) rather than a lifestyle habit. There is nothing in his description of his personal circumstances to support a professed aversion to suburban life, certainly nothing to suggest that it is genuine, fixed and longstanding. Furthermore in the applicant's email dated 28th February 2011 he states 'I became homeless' which confirms the fact that he used to reside in a dwellinghouse. Therefore, it is considered that the applicant does not satisfy the definition of a Gypsy or Traveller and that policy H.8 (*Gypsy Caravan Sites*) should not be applied.

The application must be assessed against Policies H.6 (Residential Development in the Open Countryside and the Green Belt) and H.7 (Residential Caravans and Mobile Homes). According to policy H.7 planning applications for residential caravans and mobile home development will need to satisfy the same policies in the Local Plan as would applications for new housing development. Policy H.6 of the Local Plan states that a new dwelling will only be permitted (amongst other criteria) for: a person engaged full time in agriculture or forestry. The replacement of an existing dwelling by a new dwelling not materially larger, the conversion of an existing rural building into a dwelling in accordance with policies BH15 and BH16. The change of use or redevelopment of an existing employment site in accordance with policy E10;

limited development within the infill boundary; and affordable housing in accordance with the rural exceptions policy H14. It is not considered that the application satisfies any of the aforementioned criteria.

Sustainability

A key principal of national and local planning policies is to promote sustainable patterns of development in order to reduce the need to travel and the dependence on the private car. It is noted that buses travel along Dragons Lane at various intervals in the day. However, the application site is in an isolated rural setting and is far removed from any settlement, shop(s), school(s), community facilities or place(s) of employment. Consequently, it is considered that the proposal does not represent a sustainable form of development and is contrary to policies H.8 (Gypsy Caravan Sites), in particular, criterion (x) and GR.1 (New Development) and advice advocated within PPS 1: Delivering Sustainable Development.

Impact on the Character and Appearance of the Open Countryside

The applicant has submitted detailed plans of the static caravan and according to them the caravan measures approximately 10m deep by 3.6m wide. The floor plans show that the internal accommodation comprises of 2 no. bedrooms, bathroom, hallway, kitchen, dining area and lounge. Located at the front of the static caravan is a large decked area projecting out approximately 5m and includes a pergola. As mentioned previously the static caravan is located in the northwest corner of the application site. It was noted that immediately behind the static caravan was a large steel shipping container with solar panels located on top of it. The applicant also has a tourer caravan, and a number of vehicles. There is a large area of hard standing predominately around the periphery of the site and there are chicken runs/houses on the site. The case officer noted that the application site is bounded by mature native hedgerow, which is punctuated at sporadic intervals by trees. It was noted around the majority of the periphery of the application site, the applicant had erected a close boarded timber fence which is in excess of 2m high which is visible through the hedge line, particularly during winter months when the hedgerow and trees are in leaf fall.

It is considered that there is inherent harm and inappropriateness in using this open site in the open countryside for the siting of a static mobile home and all the other associated paraphernalia. Even if the proposal were completely hidden from public view it would continue to be out of sympathy with the predominately rural surrounding. According to PPS7 states that

'The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all'.

It then goes on to state that

‘Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced’.

Furthermore, development control guidance advocated within PPS 1 places a greater emphasis upon Local Planning Authorities not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It is considered that the proposal is an inappropriate use and has a detrimental impact on the character and appearance of the open countryside. Policy PS8 (Open Countryside) restricts what development will be permitted in the open countryside. The siting of a static mobile home on the application site is not the type of development that is allowable under Policy PS8.

Amenity

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The nearest residential properties are those located to the south west (Ivy Cottage Farm) and west (Woodville Farm) which are sited approximately 85m and 110m respectively away from the application site. Furthermore, the site is demarcated by a mature native hedgerow, which is punctuated at irregular intervals with mature trees. It is considered the distances between the existing properties and the application site and the intervening vegetation will minimise any loss of amenity through overlooking or over domination. A number of representations have been received stating that the applicant is running a generator at various times of the day and the noise created significantly detracts from the amenities of the neighbouring properties. Whilst the concerns of the objectors are noted, any noise generated by the generator which residents feel is unacceptable is an issue to be dealt with under the Environmental Health Statutory Noise Nuisance. Furthermore, Environmental Health raise no objections.

Highways

The Highway Authority’s response is awaited at the time of writing this report and will be reported to the Development Control Committee in an update.

Drainage

A number of objectors are concerned about how the development will be drained. The proposed method for drainage would be via a septic tank and it is the Council’s understanding that a drainage pipe will connect the mobile home to the septic tank, which has not yet been installed. Development on sites such as this generally reduces the permeability of at least part of the site and changes the site’s response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage

flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that the site is appropriately drained.

Human Rights Act

The applicant in a number of correspondences refers to Article 8 of the Human Rights Act which states that everyone has the right to respect for private and family life and his home. Also there should be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

With this in mind the applicant has suggested that refusing planning permission would not respect his private life and interfere with his right to respect for his private life, and denial of these rights is not necessary in the interests of national security, public safety or the economic well being of the country, the prevention of disorder or crime, the protection of health or morals or the protection of the rights and freedoms of others. In particular he says that the change of use of the land has not affected any third party and cannot therefore be said to be harmful to the public interest.

Circular 01/2006 requires local planning authorities to consider the consequences of refusing or granting planning permission on the rights of individuals concerned, both in regard to gypsies and travellers and local residents. The Human Rights Act 1998 makes it unlawful for a public authority to violate the rights contained in the European Convention of Human Rights unless, because of an Act of Parliament, it has no choice.

Under Article 6 of the Convention, in the determination of his civil rights, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Both the applicant and residents have the right to make representations to the proposal and planning decisions can be challenged either by appeal to the Secretary of State in the case of the applicant or through the courts in the case of residents.

Under Article 1 of the First Protocol of the Convention, every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The proposal has been considered not to conflict with this Article.

As the refusal of this planning application and the subsequent enforcement action could interfere with the applicant's home, the Council should and has considered whether action would be a proportionate step under Article 8 of the Human Rights Act 1998 by taking the applicant's personal circumstances into account. On balance it is considered that the harm caused by this inappropriate development in the open countryside outweighs the harm which the refusal of the planning application and any subsequent enforcement action would cause to the applicant.

Personal Circumstances

The applicant claims that he used to travel around the country in his motor home stopping in various lay bys. However, he has ceased to travel due to ill health and long standing disability and claims that he is registered disabled. Furthermore, whilst the case officer was out on site the applicant stated that he has had several operations and suffers from a chronic illness (arthritis). The applicant also claims that if planning permission is refused he will become homeless and he does not have adequate funds available to live elsewhere locally. Furthermore, the applicant states that he has lived in the locality for the majority of his life and wishes to remain so.

However, the applicant has not provided any details to confirm his disability or how the disability and ill health impact upon his residential needs, specifically, how his disability requires him to live in a mobile home on this site. Furthermore, personal circumstances are not a material reason for allowing the proposal, as the development would exist long after the personal circumstances have ceased to be material. Therefore, the application must be assessed on the relevant material planning considerations, which are cited in this report.

Other Matters

One of the representations makes reference to the application site lying within the Greenbelt. However, this is not the case and according to the Local Plan the whole of the application site is located wholly within the Open Countryside.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the current use of the site represents an inappropriate form of development within the Open Countryside in terms of its effect on the openness, its unsustainable nature and the fact that new residential development in the open countryside is contrary to both national and local policy unless it falls into certain categories. The development fails to meet any of the required criteria and is therefore unacceptable.

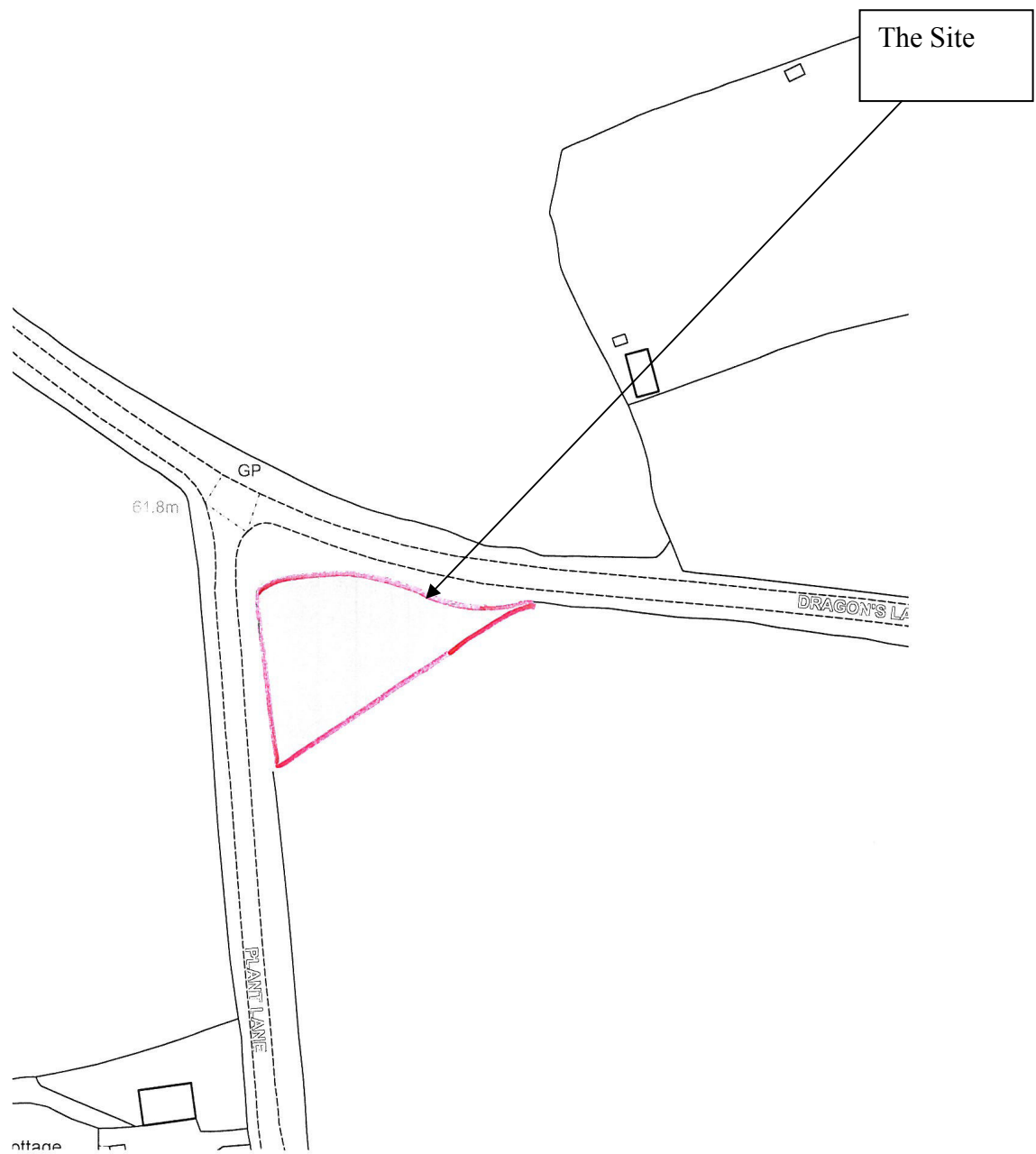
Refuse

- 1. The Local Planning Authority does not accept that the occupier of the caravans qualifies as a Gypsy or Traveller as defined in**

Circular 01/2006 or that he is engaged in full-time in agriculture, forestry or other business appropriate to the locality and that it is necessary for him to reside in this location. The use of the land for the stationing of residential caravans is therefore contrary to policies PS8 (Open Countryside), H6 (Residential Development in the Open Countryside and the Greenbelt) and H7 (Residential Caravans and Mobile Homes) of the adopted Congleton Borough Local Plan First Review 2005.

- 2. The site which includes a static mobile home, a touring caravan, a shipping container, solar panels and boundary fencing etc is clearly visible from Dragons Lane and Plant Lane and the Local Planning Authority considers that the proposal due to its inappropriateness causes inherent harm to the visual appearance and character of this part of the open countryside. To allow the development would be contrary to policies GR1 (General Criteria), GR2 (Design) and PS8 (Open Countryside) of the adopted Congleton Borough Local Plan First Review 2005 and advice advocated in PPS1: Delivering Sustainable Development and PPS7: Sustainable Development in Rural Areas**

Location Plan: Cheshire East Council Licence No. 100049045



Application No: **10/4955N**

Location : **58 South Crofts Nantwich CW5 5SG**

Proposal: **Demolition of Existing Semi-Detached Property and Erection of Replacement Dwelling**

Applicant: **Mr & Mrs K Nord**

Expiry Date: **Nantwich**

Date Report Prepared: 4th March 2011

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Procedural Matters;
- Principle of Residential Development;
- Design Standards;
- Garage;
- Private Amenity Space/Density;
- Amenity Considerations;
- Impact on Trees;
- Drainage;
- Access and Parking;
- Protected Species;
- Impact on Conservation Area; and
- Other Matters

REFERRAL

This application was originally to be dealt with under the Council's delegation scheme. However, Councillor Moran has requested that it be referred to Committee for the following reason – *bulk and size of dwelling and garage out of character with streetscene in conservation area.*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a rectangular shaped plot measuring approximately 40m deep by 22m wide (which equates to an area of 880m²) and is located wholly within the settlement boundary of Nantwich and the Nantwich Conservation Area. The application site contains a two storey semidetached property constructed out of facing brick under a tile roof. The building is vacant and appears to have been for some considerable time. Located around the periphery of the site are a number of trees some of which are protected by TPO's. The application site is accessed directly off South Crofts. In addition, within the application site is a small scale domestic cross sectional concrete

garage and timber shed. The site is enclosed on three sides by existing built development and South Crofts to the north.

The surrounding properties have been constructed over approximately the last 30 to 200 years and provide a real eclectic mix of architectural styles, forms and differing scales of dwellings. Located to the east of the application site is a row of 2 storey terraced properties constructed in the Victorian era. These properties are located in much smaller plots and are much closer to South Crofts. Located to the rear of the site is another residential property which is set within an extensive plot (slightly smaller than the applicants'). The adjoining property (no. 59 the other part of the semi) has undergone extensive refurbishment and has a relatively large footprint.

DETAILS OF PROPOSAL

This is a full application for the erection of a large detached dwellinghouse adjacent to no. 59 South Crofts, following the demolition of the existing property on site. The proposed dwellinghouse will be 2 storey high and will have a similar ridge and eaves height to no. 57 South Crofts. Located to the front of the proposal will be a detached garage.

RELEVANT HISTORY

10/4617N – Conservation Area Consent for the Demolition and Rebuilding of Existing Dwelling with Further New Extensions and Alterations and Detached Garage Block – Withdrawn – 7th January 2011

10/4597N – Demolition and Rebuilding of Existing Dwelling with Further New Extension and Alterations and Detached Garage – Withdrawn – 21st December 2010

7/13676 – Double Garage, Studio and Conservatory – Approved – 18th December 1986

POLICIES

National Policy

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning and the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport

Local Plan Policy – Borough of Crewe & Nantwich Replacement Local Plan 2011

BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)
BE.5	(Infrastructure)
BE.7	(Conservation Areas)
RES.2	(Unallocated Housing Sites)
RES.3	(Housing Densities)
NE.5	(Nature Conservation and Habitats)

NE.9 (Protected Species)
TRAN.9 (Car Parking Standards)

Other Material Considerations

Supplementary Planning Document – Development on Backland and Gardens
Cheshire East Strategic Housing Market Assessment 2010

CONSIDERATIONS (External to Planning)

Environmental Health (Contaminated Land): No objections subject to the following condition:

The plot of land is located adjacent to commercial land where contamination migration may have affected the subject site. As such this division requests that should adverse ground conditions be encountered during development, all works in that area should stop and this division contacted for advice.

Environmental Health: No objections subject to the following condition:

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. To protect the amenities of nearby residents and the occupiers of nearby property.

United Utilities: No objections

Highways: No objections

Ecologist: No objections

VIEWS OF THE PARISH / TOWN COUNCIL

No objections subject to the following comments: While the Council understand the need for refurbishment and regeneration of time-expired buildings, nevertheless it considers it extremely important that any demolition and new build should reflect the structure and character of the existing building and its surroundings. The Council request that the Conservation Officer specify and require materials which are in keeping with the existing structure and which are of the highest quality and finish. The Council would also ask that particular regard is given to adjoining properties and the effect on flora and fauna likely to be affected by the proposal.

OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of 5 South Crofts, 8 South Crofts, 41 South Crofts, 59 South Crofts, 27A Hospital Street and 17 The Gullet. The salient points raised in the objection letters are:

- The size of the garage is excessive and could very easily be converted into self contained accommodation or a separate dwelling. The garage is completely out of character and detracts from the streetscene;
- In order for construction vehicles to gain access to the property a section of boundary wall will need to be removed;
- According to the submitted plans the adjoining property is not drawn to scale and it is therefore impossible for anyone to get a realistic view of the size and scale of the development;
- The proposed development looks completely out of place due to its scale, design and mass;
- The proposal if approved will have a detrimental impact on the residential amenities of the neighbouring properties;
- The first floor window on the gable of the proposed dwellinghouse will look directly into the neighbouring property and there is already an alternative window serving this room;
- My property will appear out of place if the adjoining property is demolished;
- The developers have assured me that they would give me a strip of land adjacent to my property. It would then appear less like a semidetached property chopped in half and will help with on going maintenance. They have reneged on this promise;
- The proposed front stair well is out of keeping and will have a detrimental impact on the streetscene and the conservation area;
- There is no tarmac as detailed on the application forms and never has been;
- The proposal does not harmonise with the streetscene and does not preserve or enhance the Conservation Area;
- The scale and mass of the proposal is excessive and out of keeping with other properties in the streetscene;
- The large window in the centre of the upper storey of the south elevation. This space is shown on the application as a void above the living area but in the event of a floor being added to form a habitable room this would impinge severely on our privacy as it directly overlooks our main patio area. It should be noted that the bedroom in the existing property which currently occupies an almost identical footprint has its window facing east to overlook its own garden. We request approval should be subject to obscure glazing and non opening window in this elevation to prevent loss of privacy;
- The height of the building approximately half a metre higher than the existing building and neighbour makes it excessively dominant in a built environment comprising vernacular cottages. The garage being 2 storey high also looks out of context;
- There are additional velux windows which will look directly into the adjacent property and these velux windows will appear out of place;
- The Crofts comprise of small semi-detached and terraced cottages. A detached house of this magnitude would look completely out of place in this part of the Conservation Area;
- The scale of the proposed dwelling would be incongruent with both the adjoining property and those it would face;
- The proposal has a grossly oversized garage, and the proposed building is 3m proud of the adjoining building and that the overall increase in size of the new build looks to virtually double the existing and is not in keeping with the surroundings;

Letter from Colin Bowen (Agent), Bower Edleston Architects, Nantwich (Dated 31st January 2011)

- The central staircase has been removed. This has been replaced by two single storey bay windows with a central door;
- The garage has been reduced by 1m in length and the overall height of the garage has been restricted to 5m;
- The tree to the front of the site will be retained as indicated on the submitted plan.

Letter from Colin Bowen (Agent), Bower Edleston Architects, Nantwich (Dated 4th February 2011)

- The 45 degree line has been shown on the amended plan. The new proposal is entirely beyond this line, it is considered that there will be no loss of light;
- The first floor window will allow someone to look directly into the front area of the adjoining property. However, this area is wholly north facing and dedicated to car parking and turning. The existing boundary treatment will help to screen the proposal;
- The secondary window to the first floor bedroom is important to provide natural daylight and ventilation;
- The adjoining property's principal rear bedroom window looks directly over our proposal so the applicants were anxious to ensure the full height living room projection provides some degree of screening and shelter to what they will use as their private amenity space;
- The existing property no. 58 also has a principal side window that looks directly east over no. 57;
- We consider that the degree of separation from these windows to the boundary and the screening offered by the Ash tree, which is to be retained, and the proposed double garage, will ensure there is no overlooking or loss of privacy;
- I feel it is clear from the attached photographs that given the almost adjacent position of the windows to no. 59 South Crofts, it is impossible to look directly into the living space of the adjoining house from the proposed dwelling.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- The property has been much altered from its original Georgian appearance. In particular, sub-standard building techniques and poor quality additions have severely weakened the property;
- The proposals being submitted seek to demolish the existing dwelling and replace it with a new dwelling. Rebuilding the structure becomes the most viable option, considering the dwelling's condition;
- The application has been subjected to extensive negotiations with the Council;
- The replacement dwelling now proposed has the advantage of placing the accommodation more central to the plot, and allows the proposals to be clearly seen as a building of its present time;

- The original property had been built to the rear of the original plot of land, and therefore does not allow for any extension to the rear without impacting upon an existing protected tree. Any extension to the rear would also impact upon the adjoining property light and enjoyment of their private rear amenity space;
- The previous proposal discussed with the Planning Department allowed for the demolition of the current building and the erecting of a new dwelling more central to the existing space. The new proposal still allows for this aim, but creating a new dwelling of a scale and size appropriate for its setting;
- The planning policy for a Conservation Area stipulates that any proposal should not harm the character, appearance or setting of the Conservation Area. Previous discussions with the Planning Department allowed for the demolition proposed, and the erection of a new dwelling more central to the site. This application proposes a new dwelling of a scale and size appropriate to its setting so accords with planning policy. The submitted proposal has no detrimental impact upon the streetscene or Conservation Area.

Structural Report (Produced by Hughes and Crawford dated April 2010)

- The property was visited on 2nd March 2010 and the 28th April 2010, to carry out a purely visual inspection. We did not carry out any opening up works or investigations to uncover any otherwise hidden or buried elements. Only a very limited inspection of the roof space was possible;
- The property has suffered from extensive foundation movement, major lateral movement, slab settlement and roof spread and in our opinion there is evidence that the movement is progressive. The basic structure is of poor condition and extensive remedial measures would be necessary to put right the defects and to then upgrade to comply with current British Standards and Building Regulations, starting from underpinning of the foundations, rebuilding of the whole front elevation wall to replacement first and ground floors, roof and new underground drainage;
- From a Health and Safety viewpoint, the risks associated with extensive excavations/underpinning/rebuilding of an already weakened structure should be avoided if at all possible;
- From a financial viewpoint, the costs associated with the remedial measures and recommendations noted above, in our opinion, would not make economic sense;
- From a structural viewpoint, in order to provide a dwelling that would be structurally sound and robust, in our opinion, the existing property has reached the end of its useful life and should ideally be demolished and rebuilt using modern day materials and in accordance with current British Standards and Building Regulations.

Heritage Statement

- The proposal repeats the existing scale with the roof pitch, eaves and ridge level, all as the existing. It incorporates Victorian sliding sash windows as recommended, and repeats all the proportions of the adjoining dwellings, windows and opening head and cill details;
- Demolished materials, including the roof tiles and facing bricks are to be salvaged and re-used where possible or new materials to match will be specified. The building will incorporate high insulation values and energy efficient heating. It will provide a new sustainable home that protects the urban environment;

- As the roof pitch and overall height is as existing, the volume will be of a similar proportion to the existing. The proposed scale, mass and height of the proposals are identical to the existing, so that they are in keeping with the adjoining property;
- The location of the replacement dwelling does not impact upon the existing trees which are protected and retained. The proposal now sits more comfortably within the existing grounds and allows the south facing elevations to be developed to enjoy the south facing aspect. A private rear garden has now been created by the proposals.

Protected Species Survey (Produced by Ecologically Bats dated November 2010)

- The Building, Grounds and Emergence Survey were all completed on 27th July 2010
- The ridge tiles were all present and secure. Gaps were identified under the ridge and pitch tiles where mortar was missing, but the areas at the gable ends and around the chimney stack were well sealed;
- The external walls of brick were in good condition, and the render was in good condition. No suitable crevices were identified;
- No gaps were identified under the eaves;
- Potential roosting areas were identified – Gaps under pitch tiles and lead flashing, In stonework
- No evidence of bats or bat activity was found in the external search;
- No evidence of bat droppings or presence of bats was detected during the internal inspection;
- The grounds include an area of mature trees, shrubs and hedgerows along the northeast and eastern boundary which have the potential as foraging areas. No holes were identified within the hedgerows. The garage and shed were inspected and no evidence of bat activity was found in association with these structures. No suitable roosting sites were identified in these structures;
- A single species of bat was recorded during the activity survey. Single bats were recorded foraging across the neighbouring garden, along the roadside hedgerow and in the building site to the rear of the house;
- The results of the survey showed potential roosting sites in the house, under the roof tiles, but no evidence of bat activity in association with these sites;
- It is considered that there would be no conservation impacts based on this data from the proposed demolition of the house however the grounds were used as a commuting route and foraging site and this should be taken into consideration when planning any landscaping or alterations to the current surrounding habitat;
- Based on the results of this survey there are no implications with respect to bats from the proposed demolition and rebuild of 58 South Crofts.

Tree Survey (Produced by Peter Jackson Developments Ltd dated October 2010)

- There are several trees on this site. Only 5 trees are shown on the plans as being close enough to the proposed works. Other trees on to the site have been grouped according to their natural association and measurements have been taken from the trees closest to the area of the proposed development to form a cell that complies with the British Standard. Works to the trees may be specified but this report does not confirm that Cheshire East Borough Council has given any form of consent to undertake any works. No works should be undertaken to any trees on or adjacent to the site until the contractor has confirmed that planning permission, listed building or

conservation area consent has been granted or that the tree works have been separately approved by an alternative TPO consent where required.

OFFICER APPRAISAL

Procedural Matters

An objector states that the planning application forms have been completed inaccurately. It is acknowledged that this may be the case but does not mean the application is fundamentally flawed and this information as submitted is sufficient for it to be determined on its merits, and if necessary the issues raised could be controlled by the imposition of conditions.

Principle of Residential Development

The relevant policies are BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.7 (Conservation Areas) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. In addition Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing) and PPS 5 (Planning and the Historic Environment) are also important material planning considerations.

On 9th June 2010 the Coalition Government amended PPS3. Garden land is now classed as Greenfield rather than Brownfield land. Nevertheless the application site is situated wholly within the settlement zone line of Nantwich as defined on the adopted Local Plan where there is a general presumption in favour of new development as indicated by policy RES.2 of that Plan. It is considered in light of the above, and considering the proximity of this site in relation to public transport and local services, the broad principle of residential development in this location is considered acceptable. Furthermore, the principle of residential development on this site must be balanced against other considerations including the impact of the development on the character and visual amenity of the area, highway safety issues and any other material planning considerations.

Design Standards

PPS1 and PPS3 support a mix of housing types within areas. Policy BE.2 is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

The collection of dwellings around the application site have been constructed over approximately the last couple of centuries and provide an eclectic mix of architectural styles, forms and differing scales of dwellings. The application site is a rectangular

(roughly) parcel of land located on the south side of South Crofts. According to the submitted plan the proposed dwelling will be more central and pulled slightly forward (3.2m at the furthest point). However, the building will still be located towards the rear of the application site.

The design of the proposal has been subject to extensive pre-application negotiations. The current proposal is for the demolition of the existing semidetached property and the erection of a 2 storey detached property constructed out of facing brick with a tile roof. The footprint of the property roughly resembles the shape of a letter 'T', with the main range fronting South Crofts and the central leg forming a 2 storey gable which is centralised at the rear. The access to the property will be maintained at the front, adjacent to number 57 South Crofts. Located to the front/side of the proposal is a large detached garage with garden located to the front and rear of the proposed dwellinghouse. According to the plans the proposal is set back from South Crofts by approximately 19.5m.

The proposed dwellinghouse is set off the boundary with no. 57 by approximately 7.6m (at the nearest point). The rear elevation of the property is located approximately 5m off the boundary with 17 The Gullet. The proposal is also set 1.9m off the boundary with no. 59 South Crofts. The case officer notes that the terraced properties on South Crofts create a strong building line. However, the applicants existing property is set within an extensive plot and already located towards the rear of it. Locating the proposed property slightly forward from no. 59 will not result in it appearing overly conspicuous.

The proposed dwelling will measure approximately 12.9m wide by 14.9m deep (at its maximum) and is 5.6m high to the eaves and 8.4m high to the highest part of the ridge. The proposal is slightly taller than the neighbouring properties (ranging from approximately 200mm to 500mm). It is acknowledged that the proposed building is larger than the building currently in situ. However, given the location of the property, plot size, and varying heights of the neighbouring properties, the proposal will not appear disproportionately out of place.

The front elevation of the property is relatively simple (apart from two projecting bays). The main body of the building has a long range and perpendicular to this on the rear elevation is a two storey projecting gable (forming the central leg of the 'T'). A number of other properties within the streetscene have these strong gabled elements and as such the proposal will not appear out of place. On the front elevation of the proposal are a number of windows. The windows are vertically aligned and there are larger windows at ground floor level and smaller windows at first floor level, which helps to retain the visual hierarchy. It is considered that the simple fenestration is in keeping with the character and appearance of other properties in the streetscene. Located centrally on this elevation is the main door into the property. On the rear roof plane, three roof lights are proposed and these will be conditioned to be conservation area style roof lights and as such will not appear out of place.

Located on the gable of the proposal facing number 57 South Crofts is a chimney which gives the property a vertical emphasis and helps to draw the eye. There are a number of windows on this elevation at both ground and first floor levels. Located on the side elevation facing no. 59 is another chimney and several other windows, which are located at ground floor and first floor level.

The central leg of the 'T' will project out approximately 4.3m by 4.8m wide and will be 5.3m high to the eaves and 7.1m high to the apex of the ridged roof. Located on the rear elevation of this outrigger is a large window. The proportions and design of the outrigger ensures that it remains a subordinate element retaining the existing visual hierarchy and it does not compete with the main residence. The extension is set down which further reduces its prominence. As such the outrigger will not form an alien or intrusive feature within the streetscene. The outrigger will stop approximately 5m short of the boundary with the property to the rear. Located on each roof plane are two roof lights. Located on the ground floor are several projecting extensions, which protrude out approximately 1.3m. It is considered that these extensions help to break up the bulk and massing of the proposal.

Overall, it is considered that the proportions and detailing of the proposed dwelling are similar to those within the surroundings mimicking its context without creating a pastiche form of development. The dwelling is set back from the road frontage and the proposal creates a balance between the need to respect the surroundings and provide a sympathetic and unobtrusive form of development.

Impact on no. 59 South Crofts

The objector is concerned that if the existing property is demolished and replaced with a detached dwellinghouse it will make her property appear asymmetrical resulting in a very stark and odd appearance. It was noted that there was an eclectic mix of properties along South Crofts and number 59 is set well back within its plot. It is considered that the resultant form of the neighbour's property following the demolition of the applicants' dwellinghouse will not appear overtly obtrusive or have a significant detrimental impact on the character and appearance of the streetscene or the Conservation Area.

Garage

The proposed detached garage will be sited within the established residential curtilage to the front of the proposed property and will be located 1.2m off the boundary with no. 57 South Crofts (tapering down to 700mm). The proposed garage will measure approximately 6m deep by 8m wide and will be 2.3m high to the eaves and 5m high to the apex of the ridged roof. The garage will be constructed out of facing brick under a tile roof and will be secured by condition, if planning permission is granted. Internally the garage will comprise of accommodation space for two vehicles. Located on the south elevation of the garage will be an external staircase, which will serve the first floor office. It is not considered that the staircase will have a detrimental impact on the character and appearance of the streetscene as it will be screened by the garage. On the gable (north facing elevation) at first floor level will be a window and two roof lights in the roof plane facing the applicants' property. In the front elevation of the proposed garage will be an up and over garage door. The garage will be set well back into its plot and the landscaping to the site frontage will help to assimilate it into the urban environment. Overall, it is considered that the garage as amended will not appear overly conspicuous and will not appear as an incongruous feature within the streetscene.

Private Amenity Space/Density

The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35 'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m² per dwelling. The 50m² garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

It is considered that the proposed layout would not represent an over-intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity space would be in excess of 50m² and would be commensurate with other properties in the immediate locality. However, it is noted that the majority of the amenity will be located at the front of the property. This is not dissimilar to the existing on-site arrangements and the adjoining property (no. 59) has a similar arrangement. Consequently, it is considered that the proposal will not be out of keeping. However, it is considered prudent to attach conditions relating to boundary treatment and landscaping, in order to help assimilate the proposal into the local environment.

Amenity Considerations

The physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwelling by reason of overshadowing, overlooking, visual intrusion, odour or in any other way is a key consideration.

The application site is surrounded by residential properties and as such it is considered that the addition of an additional dwelling is compatible with the character and uses predominant to the streetscene.

The neighbouring properties which are located directly opposite the application site comprise a row of 2 storey terraced properties. The Council's SPD – Development on Backland and Gardens states 'as a general indication, there should ideally be a distance of 21m between principal elevations'. According to the submitted plans there is a distance of approximately 28m separating the front elevation of the proposed dwellinghouse and the front elevations of the properties located directly opposite. Therefore, it is considered that the proposal will not have a significant detrimental effect on the residential amenities of the occupiers of these properties and the proposal accords with policy BE.1 (Amenity)

The proposal will have a marginal impact on the residential amenities of the occupiers of number 57 South Crofts. This property (no. 57) is set much further forward than the applicants' property. According to the plans the proposal is located approximately 7.6m off the common boundary with this property. The applicants are also proposing a garage which will be located adjacent to this boundary. Given its location and design with its pitched roof, it is not considered the proposed garage will over dominate the rear garden of no. 57. The case officer considers given the separation distances, intervening vegetation, boundary treatment and orientation of the property there will be no direct over looking or over shadowing. However, the case officer noted that on the side

elevation of the proposal at first floor level is a bedroom window which faces no. 57. It is noted that there is a tree with an extensive canopy in close proximity to this window (which will help to prevent any overlooking). Due to the proximity of the tree potential occupiers of the property may apply to do works to the tree and in order to mitigate any loss of privacy a condition relating to obscure glazing shall be conditioned.

The adjacent property no. 59 South Crofts is most intimately related to the application site. The occupier of this property is concerned that the proposal will block light and overshadow her property and result in loss of privacy. However, it is considered that the proposed development will have a marginal impact on the residential amenities of the occupiers of this property. According to the submitted plans the proposed dwellinghouse will be located approximately 3.2m forward of the existing building. The SPD – Extensions and Householder Development states that the 45 degree guideline is used to assist the assessment of a proposal where there may be the prospect of an overshadowing or overbearing effect in relation to an adjacent dwelling. The applicant has submitted a plan which clearly shows that the proposal does not breach the 45 degree line. However, it is noted that located on the side elevation of the proposed dwellinghouse (facing no. 59) are several windows (two windows at ground floor and one window at first floor). It is considered that the boundary treatment will help to mitigate any negative externalities caused by the ground floor windows and will be conditioned accordingly. However, the first floor window serves a bedroom and due to its position in relation to the applicants' property may result in some loss of privacy. Therefore, it is considered prudent to attach an obscure glazing condition. It is not considered that there will be any direct overlooking as a result of the roof lights, given their location.

The proposal will have a negligible impact on the residential amenities of the occupiers of no. 17 The Gullet, which is located directly towards the rear of the application site. The proposed development will be located approximately 5m off the common boundary separating these two properties. The proposal will be constructed on a similar footprint to the existing property and it is considered that there will be no significant adverse impact on residential amenity. The occupiers of this property (no.17) have requested that the large window at first floor level in the rear elevation in the two storey outrigger be obscurely glazed. According to the submitted plans this window is to be utilised for a ground floor living room. However, the objectors are concerned that if a first floor added above the living room and this was turned into an additional habitable room it may result in a loss of privacy. However, this is a hypothetical situation as this void may never be converted into additional living space. Therefore, it is not considered to be reasonable to attach a condition stating that this window shall be obscurely glazed.

Impact on Trees

The applicant has submitted a tree survey which has been undertaken by a qualified Landscape Architect. The Report identifies 5 trees within the site, three of these are protected by a TPO; a Sycamore on the South Croft frontage (T2 of the report; T1 of the TPO); an early mature Ash (T1 of the report; T2 of the TPO) and an Ash (T5; T3 of the TPO). Two further trees are mentioned in the accompanying Tree Schedule, a Laburnum (T3) and an Apple (T4). Both trees are afforded pre-emptive protection by virtue of their inclusion within the Conservation Area, but are not affected by the proposed development.

The report, however, fails to mention two early mature Hawthorn trees located adjacent to the central eastern boundary section of the site. Both trees will be located less than 0.5 metres from the proposed garage and their rooting environment will be significantly compromised by excavations required for the garage foundations. The two trees are however deemed relatively insignificant in terms of their contribution to the wider amenity and character of the Conservation Area, and in this regard their expected loss is considered acceptable. The agent has confirmed that both of these trees will be removed as part of the development.

The Tree Report Schedule also proposes the removal of the protected Sycamore (T2 of the Report; T1 of the TPO), but the Design and Access Statement confirms no trees are to be removed. The agent has also verbally confirmed and indicated on the amended plans that this tree which is located to the site frontage will not be removed. However, it is considered prudent to attach a condition stating that this tree is not to be removed.

According to the Council's Landscape Officer 'The proposed dwelling will intrude slightly into the root protection area of the protected Ash (T5) by approximately 1.5m²; a small triangular section of the southeast corner of the proposed kitchen. This is a minor intrusion and given that there appears to have been past excavations around the root plate of the Ash resulting in root loss I do not consider this intrusion will have any major long term implications for the tree' and concludes by stating 'A detailed Tree Protection Scheme and ground protection measures will be necessary as construction activity will intrude slightly within the RPA. However, I am satisfied that such measures can be dealt with by condition'. Overall, it is considered that the proposed development complies with policy NE.5 (Nature Conservation and Habitats).

Drainage

The proposed method for drainage would be via a septic tank. Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water run-off generated by the development is appropriately discharged.

Access and Parking

According to the amended plan the development would provide two off street parking spaces for the proposed dwellinghouse, which is in accord with Local Plan policy. Colleagues in Highways have been consulted regarding the application and they do not have any objection to the proposal. It is considered that the proposal complies with policies BE.3 (Access and Parking), TRAN.9 (Car Parking Standards) and Appendix 8.1 and there is insufficient justification to warrant a refusal of the application on highway grounds.

Protected Species

The application relates to a two storey semidetached residential brick dwelling built in the 1800's. The house constructed out of facing brick under a tile roof and is set within large mature gardens and as such there is potential for the presence of Bats to be affected by the proposal.

Circular 06/2005 paragraph 99 states that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.

The applicants have submitted a protected species survey as part of their application, which concludes that the survey found no evidence of bats. The Council's ecologist has been consulted regarding the application and he has no objection to the proposal. Therefore, it is considered that the proposed development complies with policy NE.9 (Protected Species).

Impact on the Conservation Area

As stated previously in the report the applicants' property is located within the Nantwich Conservation Area and any proposal will need to be assessed against policy BE.7 (Conservation Areas), which states that any new building will not be permitted unless it would harmonise with its setting by being sympathetic on scale, form and materials to the characteristic built form of the area, particularly the adjacent buildings and spaces.

The aim of the conservation area is to conserve and enhance the special character of these areas by preserving existing buildings and features and promoting their appropriate enhancement.

Policy BE.7 states that development involving the demolition of a building will not be permitted which makes a positive contribution to the character and appearance of the conservation area. Although the building is a 2 storey semidetached property constructed out of facing brick under a tile roof, the property is set well back into its plot. In addition the structural report combined with a site inspection raises significant concerns about the structural condition of the building. The conclusions of the structural survey combined with the dwelling's location in the conservation area indicate that demolition of the building is acceptable.

It is considered that the proposal has been simplified (from the previous pre-application discussions regarding this site) and is in keeping with the characteristics of the Conservation Area. Whilst the proposed footprint and scale will make it more visually dominant than its neighbour its proposed physical separation will offset this to some degree. The building (as proposed) is far more sympathetic to the Conservation Area, given that the symmetrical design of its front elevation is now more in harmony with its neighbour. Whilst its design will both appear more stylised than previously and than the design of its neighbour, its location within this garden setting will serve to minimise the impact of this change within the streetscene. In addition, it needs to be recognised that both properties have been altered over time and there are properties in a variety of styles and stylistic periods within Southcrofts. The Conservation Officer has been

consulted regarding the application and does not raise any objections. It is considered that the proposal complies with policies BE.2 (Design Standards) and BE.7 (Conservation Areas).

Other Matters

One of the representations claims that the applicants promised them a strip of land down the side of their property in order to help with on going maintenance and 'to make the property appear less like a chopped in half semidetached building' and they have reneged on this promise. Whilst the concerns of the objector are noted the ownership of land is not a material planning consideration and as such cannot form a basis for refusing the application.

One of the objectors states that they consider that their house is not drawn accurately and as such it is impossible to get a realistic view of the size and scale of the intended development. This query has been raised with the applicants' agent and they confirm that the property is accurately scaled. Nevertheless, whilst the location and block plans should wherever possible be accurate the application is submitted in relation to development located within the defined application area denoted by the red line. It is not a requirement of the Town and Country Planning Applications Regulations 1988 or the Council's validation documents to ensure that all buildings outside the application area are shown accurately and correctly named. Buildings around the site are shown to help locate the application site but the detailed relationship of individual buildings to the application site will need to be assessed by means of a site inspection.

The objector is also concerned about the siting of the proposed dwellinghouse, which will result in the 'loss of my view of South Crofts and the gardens'. Whilst the concerns of the objector are noted, the loss of a view is not a material planning consideration and is not a sufficient justification for warranting a refusal. Another objector is concerned that the garage could be converted into a separate residential property. However, this is a hypothetical situation and the application must be determined on its merits. In any event, if the applicants wanted to convert the garage into a separate residential unit, this would require a new planning application.

Access to the property is directly off South Crofts and is via the existing access arrangements. A number of representations claim that part of the boundary wall which fronts the highway will need to be removed in order to allow machinery into the site. The dwarf boundary wall should be retained, as it is an important feature in the streetscene and adds to the simple secluded nature of the site. Therefore, if planning permission is approved for the proposed development a condition will be attached to the decision notice relating to the retention of the brick boundary wall.

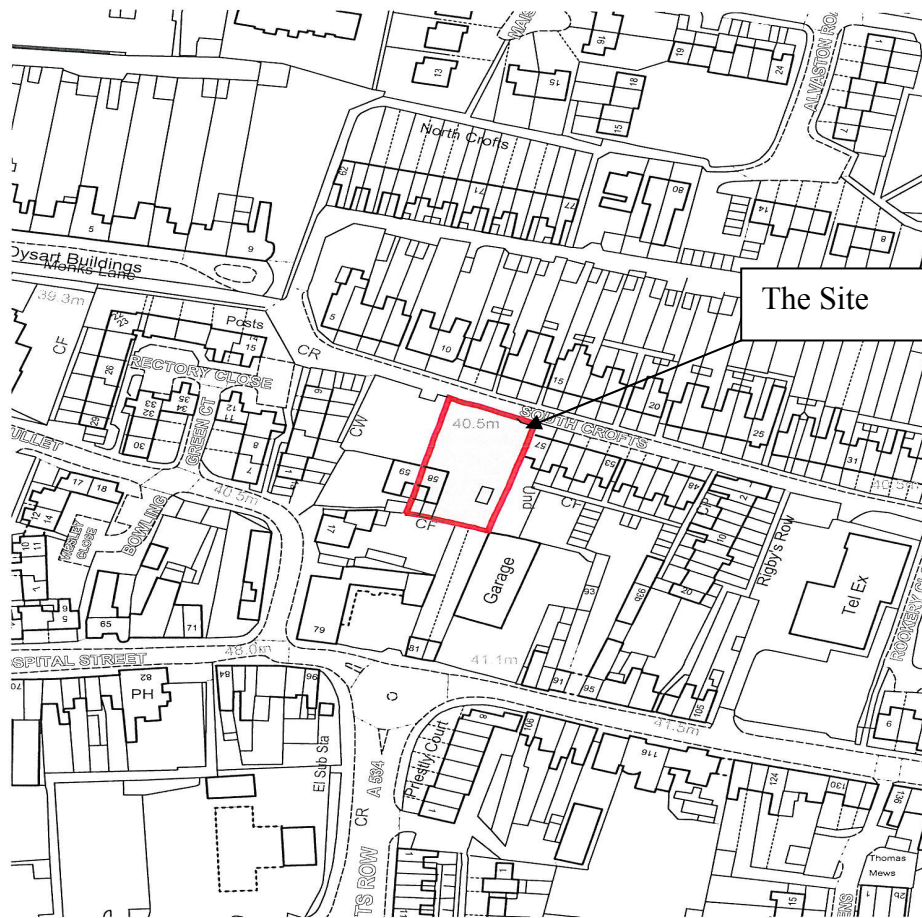
CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site is located within the settlement of Nantwich and the principle of residential development is acceptable. The proposal would have minimal impact upon the amenities of surrounding residential properties and would not raise any highway issues. It is considered that the development would not appear out of character in this location and would help to preserve and enhance the Conservation Area. In addition, the proposal will not have a detrimental impact on any protected species or trees. The

proposal therefore complies with policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.7 (Conservation Areas), RES.2 (Unallocated Housing Sites), NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Approve subject to conditions

- 1. Standard Time Limit**
- 2. Plans**
- 3. Materials**
- 4. Drainage**
- 5. Surfacing Materials**
- 6. Boundary Treatment**
- 7. Remove PD Rights**
- 8. Car Parking**
- 9. Landscaping Submitted**
- 10. Landscaping Implemented**
- 11. Obscure Glazing First Floor Window Side Elevations Facing no's 57 and 59 South Crofts**
- 12. All proposed doors/windows to be fabricated out of timber and set behind a minimum 55mm reveal**
- 13. No Removal of the Tree T.2**
- 14. Conservation Area Style Rooflights**
- 15. Hours of Construction**
- 16. Tree Retention**
- 17. Tree Protection Measures**
- 18. Construction Specification/Method Statement**
- 19. Retention of Brick Boundary Wall**



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Application No: 10/4597N

Location: 58 South Crofts Nantwich CW5 5SG

Proposal: Conservation Area Consent for Demolition of Existing Property and Erection of Replacement Dwelling

Applicant: Mr & Mrs K Nord

Expiry Date: 23rd February 2011

Ward: Nantwich

Date Report Prepared: 4th March 2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES:

- **Policy and Principle of Development;**
- **Design/Character and Appearance; and**
- **Protected Species**

REFERRAL

This application was originally to be dealt with under delegated powers. However, Councillor Moran has requested that it and application 10/4955N be referred to Committee for the following reason – *‘bulk and size of dwelling and garage out of character with streetscene in conservation area’*.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a rectangular shaped plot measuring approximately 40m deep by 22m wide (which equates to an area of 880m²) and is located wholly within the settlement boundary of Nantwich and the Nantwich Conservation Area. The application site contains a two storey semidetached property constructed out of facing brick under a slate roof. The building is vacant and appears to have been for some considerable time. Located around the periphery of the site are a number of trees some of which are protected by TPO's. The application site is accessed directly off South Crofts. In addition within the application site is a small scale domestic cross sectional concrete garage and timber shed. The site is enclosed on three sides by existing built development and South Crofts to the north.

The surrounding properties have been constructed over approximately the last 30 to 200 years and provide a real eclectic mix of architectural styles, forms and differing scales of dwellings. Located to the east of the application site is a row of 2 storey terraced properties constructed in the Victorian Era. These properties are located in much smaller plots and are much closer to South Crofts. Located to the rear of the site is another residential property which is set within an extensive plot (slightly smaller than the applicants'). The adjoining property (no. 59 the other part of the semi) has undergone extensive refurbishment and has quite a large footprint.

DETAILS OF PROPOSAL

This application seeks Conservation Area Consent for the demolition of the existing dwelling. An accompanying full planning application for a replacement dwelling (10/4955N) has also been submitted.

RELEVANT HISTORY

10/4617N – Conservation Area Consent for the Demolition and Rebuilding of Existing Dwelling with Further New Extensions and Alterations and Detached Garage Block – Withdrawn – 7th January 2011

10/4597N – Demolition and Rebuilding of Existing Dwelling with Further New Extension and Alterations and Detached Garage – Withdrawn – 21st December 2010

7/13676 – Double Garage, Studio and Conservatory – Approved – 18th December 1986

POLICIES

National Policy

PPS5 – Planning and the Historic Environment

Local Plan Policy - Borough of Crewe & Nantwich Replacement Local Plan 2011

BE.7 – Conservation Areas

CONSIDERATIONS (External to Planning)

Conservation Officer: No objections

VIEWS OF THE PARISH / TOWN COUNCIL

No objections subject to the following comments: While the Council understand the need for refurbishment and regeneration of time-expired buildings, nevertheless it considers it extremely important that any demolition and new build should reflect the structure and character of the existing building and its surroundings. The Council request that the Conservation Officer specify and require materials which are in keeping with the existing structure and which are of the highest quality and finish. The Council would also ask that particular regard is given to adjoining properties and the effect on flora and fauna likely to be affected by the proposal.

OTHER REPRESENTATIONS

Representations have been received in relation to the full planning application (10/4955N). No comments have specifically been made regarding the demolition of the existing dwelling house.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- The property has been much altered from its original Georgian appearance. In particular, sub-standard building techniques and poor quality additions have severely weakened the property;
- The proposals being submitted seek to demolish the existing dwelling and replace it with a new dwelling. Rebuilding the structure becomes the most viable option, considering the dwelling's condition;
- The application has been subjected to extensive negotiations with the Council;
- The replacement dwelling now proposed has the advantage of placing the accommodation more central to the plot, and allows the proposals to be clearly seen as a building of its present time;
- The original property had been built to the rear of the original plot of land, and therefore does not allow for any extension to the rear without impacting upon an existing protected tree. Any extension to the rear would also impact upon the adjoining property light and enjoyment of their private rear amenity space;
- The previous proposal discussed with the Planning Department allowed for the demolition of the current building and the erecting of a new dwelling more central to the existing space. The new proposal still allows for this aim, but creating a new dwelling of a scale and size appropriate for its setting;
- The planning policy for a Conservation Area stipulates that any proposal should not harm the character, appearance or setting of the Conservation Area. Previous discussions with the Planning Department allowed for the demolition proposed, and the erection of a new dwelling more central to the site. This application proposes a new dwelling of a scale and size appropriate to its setting so accords with planning policy. The submitted proposal has no detrimental impact upon the streetscene or Conservation Area.

Structural Report (Produced by Hughes and Crawford dated April 2010)

- The property was visited on 2nd March 2010 and the 28th April 2010, to carry out a purely visual inspection. We did not carry out any opening up works or investigations to uncover any otherwise hidden or buried elements. Only a very limited inspection of the roof space was possible;
- The property has suffered from extensive foundation movement, major lateral movement, slab settlement and roof spread and in our opinion there is evidence that the movement is progressive. The basic structure is of poor condition and extensive remedial measures would be necessary to put right the defects and to then upgrade to comply with current British Standards and Building Regulations, starting from underpinning of the foundations, rebuilding of the whole front

elevation wall to replacement first and ground floors, roof and new underground drainage;

- From a Health and Safety viewpoint, the risks associated with extensive excavations/underpinning/rebuilding of an already weakened structure should be avoided if at all possible;
- From a financial viewpoint, the costs associated with the remedial measures and recommendations noted above, in our opinion, would not make economic sense;
- From a structural viewpoint, in order to provide a dwelling that would be structurally sound and robust, in our opinion, the existing property has reached the end of its useful life and should ideally be demolished and rebuilt using modern day materials and in accordance with current British Standards and Building Regulations.

Heritage Statement

- The proposal repeats the existing scale with the roof pitch, eaves and ridge level, all as the existing. It incorporates Victorian sliding sash windows as recommended, and repeats all the proportions of the adjoining dwellings, windows and opening head and cill details;
- Demolished materials, including the roof tiles and facing bricks are to be salvaged and re-used where possible or new materials to match will be specified. The building will incorporate high insulation values and energy efficient heating. It will provide a new sustainable home that protects the urban environment;
- As the roof pitch and overall height is as existing, the volume will be of a similar proportion to the existing. The proposed scale, mass and height of the proposals are identical to the existing, so that they are in keeping with the adjoining property;
- The location of the replacement dwelling does not impact upon the existing trees which are protected and retained. The proposal now sits more comfortably within the existing grounds and allows the south facing elevations to be developed to enjoy the south facing aspect. A private rear garden has now been created by the proposals.

Protected Species Survey (Produced by Ecologically Bats dated November 2010)

- The Building, Grounds and Emergence Survey were all completed on 27th July 2010
- The ridge tiles were all present and secure. Gaps were identified under the ridge and pitch tiles where mortar was missing, but the areas at the gable ends and around the chimney stack were well sealed;
- The external walls of brick were in good condition, and the render was in good condition. No suitable crevices were identified;
- No gaps were identified under the eaves;
- Potential roosting areas were identified – Gaps under pitch tiles and lead flashing, In stonework
- No evidence of bats or bat activity was found in the external search;
- No evidence of bat droppings or presence of bats was detected during the internal inspection;

- The grounds include an area of mature trees, shrubs and hedgerows along the northeast and eastern boundary which have the potential as foraging areas. No holes were identified within the hedgerows. The garage and shed were inspected and no evidence of bat activity was found in association with these structures. No suitable roosting sites were identified in these structures;
- A single species of bat was recorded during the activity survey. Single bats were recorded foraging across the neighbouring garden, along the roadside hedgerow and in the building site to the rear of the house;
- The results of the survey showed potential roosting sites in the house, under the roof tiles, but no evidence of bat activity in association with these sites;
- It is considered that there would be no conservation impacts based on this data from the proposed demolition of the house however the grounds were used as a commuting route and foraging site and this should be taken into consideration when planning any landscaping or alterations to the current surrounding habitat;
- Based on the results of this survey there are no implications with respect to bats from the proposed demolition and rebuild of 58 South Crofts.

Tree Survey (Produced by Peter Jackson Developments Ltd dated October 2010)

- There are several trees on this site. Only 5 trees are shown on the plans as being close enough to the proposed works. Other trees on the site have been grouped according to their natural association and measurements have been taken from the trees closest to the area of the proposed development to form a cell that complies with the British Standard. Works to the trees may be specified but this report does not confirm that Cheshire East Borough Council has given any form of consent to undertake any works. No works should be undertaken to any trees on or adjacent to the site until the contractor has confirmed that planning permission, listed building or conservation area consent has been granted or that the tree works have been separately approved by an alternative TPO consent where required.

OFFICER APPRAISAL

Policy & Principle of Development

Policy BE.7 (Conservation Areas) states that conservation areas will be preserved and enhanced by the following means:

- Development involving the demolition of an unlisted building will not be permitted where the building makes a positive contribution to the character or appearance of a conservation area: unless there is clear and convincing evidence that all reasonable efforts have been made to sustain existing uses, or find viable and compatible alternative uses; and that these efforts have failed. These efforts should embrace financial, structural and technical matters;
- Demolition of an unlisted building meeting the above criterion will only be permitted if detailed proposals for the re-use of the site, including any replacement building or other structure, have been approved.

Design/Character & Appearance

The existing building comprises a circa 1850's semidetached dwelling house that is of no particular architectural merit. It is not a listed building and sits unobtrusively within its site. The proposed works to demolish and re-build this part of the existing semidetached property (with a new detached property) are based on its structurally instable condition.

It is considered that provided its structural condition and that of the other building in this semi-detached property warrants/enables demolition there would be scope for its replacement with a building which would harmonise with its setting and be sympathetic in scale, form and materials to the characteristic built form of the adjacent building and garden space.

Whilst the report on the condition of the structure which accompanies this application recommends various means of addressing the structural problems identified it concludes that it would not make economic sense and therefore the building has reached the end of its useful life and should be demolished.

No details are given on the structural condition of the property forming the other part of this semidetached pair.

Policy BE7 does not support the demolition on structural grounds of a building which makes a positive contribution to the character and appearance of the conservation area, unless there is clear and convincing evidence that all reasonable efforts have been made and failed, and detailed proposals for a replacement building which would not harm the character and appearance or setting of the conservation area has been approved.

It is considered, given the overall condition of the building, the dwellinghouse which is currently in situ, detracts from the Conservation Area. Nevertheless, in line with the objectives of Policy BE7, it would not be desirable to approve the demolition of 58 South Crofts and leave a vacant site in the Conservation Area. Permission should only be granted if there is an acceptable application to replace the building. The application for a proposed replacement dwelling (10/4955N) is discussed in the next report. The proposed new dwelling is considered to be acceptable and therefore the proposal for demolition complies with Policy BE.7.

Protected Species

The application relates to a two storey semidetached residential brick dwelling built in the 1800's. The house constructed out of facing brick under a tile roof and is set within large mature gardens and as such there is potential for the presence of Bats to be affected by the proposal.

Circular 06/2005 paragraph 99 states that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.

The applicants have submitted a protected species survey as part of their application, which concludes that the survey found no evidence of bats. The Council's ecologist has been consulted regarding the application and he has no objection to the proposal. Therefore, it is considered that the proposed development complies with policy NE.9 (Protected Species).

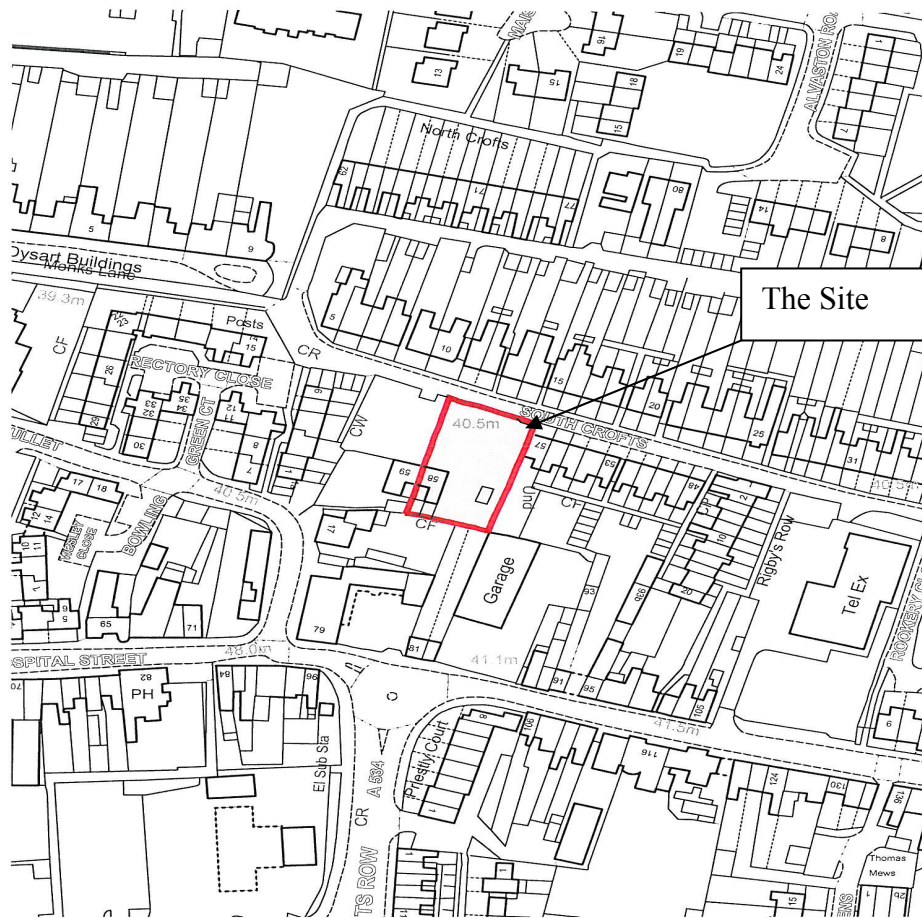
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed demolition of the existing dwellinghouse which is in a very poor structural condition and makes no positive contribution to the Conservation Area is considered to be appropriate. The proposal is therefore considered to comply with policy BE.7 (Conservation Areas) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATION: Approve subject to conditions

- 1. Standard Time Limit**
- 2. Plans**
- 3. The dwelling shall not be demolished before a contract for the carrying out of the works for the construction of the new dwelling approved under application ref: 10/4955N has been made in accordance with the proposals which have received planning permission. The Local Planning Authority shall be advised as to the completion of such a contract prior to any demolition taking place. The written approval of the phasing and timing of works involved shall be secured before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable, unless otherwise agreed in writing by the Local Planning Authority.**

Location Plan: Cheshire East Council Licence No. 100049045



Application No: **11/0217C**

Location: **Land adjacent 6 Heath End Road, Alsager**

Proposal: **Residential proposal for a single detached dwelling**

Applicant: **Mr A Girvin**

Expiry Date: **14th March 2011**

Ward: **Alsager Town**

Date Report Prepared: **4th March 2011**

SUMMARY RECOMMENDATION

Approve subject to conditions and the completion of a Section 106 Agreement to ensure the future protection of Great Crested Newt habitat.

MAIN ISSUES

- Principle of the development
- Layout and Scale
- Appearance
- Amenity
- Highways
- Ecology
- Trees and Landscape

REASON FOR REFERRAL

Called in by Councillor D Hough on the grounds that “Concerns have been expressed over the size and scale of the development with a height of 7.1 metres and large footprint.”

DESCRIPTION AND SITE CONTEXT

The application relates to an area of land approximately 0.3ha in size, situated between two residential properties. The site contains a wooded area with a pond, which has been identified as being a habitat containing Great Crested Newts. The eastern side of the site is a grassed area with open countryside to the north and residential properties to the east. The site also contains two mature Oak trees that are the subject of a Tree Preservation Order. The land is designated in the local plan as being within the settlement zone line of Alsager.

There have been several unsuccessful applications for residential development on this site, details of which are listed in the report.

DETAILS OF PROPOSAL

The proposal is for the erection of one detached bungalow with a detached double garage, which would be sited on the grassed area of the site, with access being taken from Heath End Road. The dwelling would provide a lounge, dining room, kitchen and three bedrooms and would have a cream render finish with a stone plinth and a Staffordshire blue clay tile roof. It would be 27 metres wide, 16 metres deep at the widest point, with a roof height of 7.1 metres centrally and 6.1 metres at either end. The garage would be sited in the southeastern corner of the plot and would be 7.4 metres wide, 6 metres deep, with a roof height of 5.6 metres.

RELEVANT HISTORY

27679/3	1996	Refusal for the erection of 7 dwellings
28018/3	1996	Refusal for the erection of 5 dwellings
31940/3	2000	Refusal for the erection of 5 dwellings
33264/3	2001	Refusal for the erection of 5 dwellings, appeal dismissed 2002
36593/3	2003	Refusal for the erection of 5 dwellings
08/1687/FUL	2009	Withdrawn application for the erection of 3 dwellings
10/0815C	2010	Withdrawn application for the erection of 2 dwellings

POLICIES

National Guidance

PPS1 – Delivering Sustainable Development
PPS3 - Housing
PPS9 – Biodiversity and Geological Conservation
PPS25 – Development and Flood Risk

Regional Spatial Strategy

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes

(South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

L2 Understanding Housing Markets

L4 Regional Housing Provision

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Borough Local Plan First Review 2005

The site is not allocated in the Local Plan but the following policies apply:

PS4 – Towns

H1 & H2 – Provision of New Housing Development

H4 – Residential Development in Towns

GR1 – New Development

GR2 & GR3 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

NR1 – Trees and Woodlands

NR2 – Wildlife and Nature Conservation

NR3 - Habitats

SPG2 – Provision of Private Open Space in New Residential Developments

SPD14 – Trees and Development

CONSIDERATIONS (External to Planning)

Environmental Health

Recommend that conditions be imposed relating to land contamination and hours of construction and pile driving.

Highways

The Strategic Highways Manager recommends the following informative be attached to any permission which may be granted for the development proposal:

Informative

The developer will enter into and sign a Section 184 Agreement under the Highways Act 1980, and a properly constructed vehicular crossing will be provided for the development in accordance with Highway Authority specifications.

VIEWS OF TOWN/PARISH COUNCIL

No objections

OTHER REPRESENTATIONS

At the time of report writing 18 letters objection have been received in relation to this application raising the following issues

- Highway safety
- Impact on protected trees
- Impact on Great Crested Newts
- Detrimental impact of construction vehicles
- Loss of privacy especially if additional windows are added in the roof
- Loss of the character of the area
- Increase in housing density of the area
- Change of use of the land to residential
- 'Garden grabbing'
- Excessive roof height and scale of the proposed bungalow
- Adverse impact on adjacent Willow crop

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Supplementary Planning Statement
- Tree Survey Report
- Method Statement for Protection of Trees during Development
- Phase 1 Habitat and Ecological Survey Report
- Great Crested Newt Impact Assessment, Mitigation Strategy and Ecological Update
- Great Crested Newt Survey
- Phase 1 Habitat and Ecological Survey Report

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the settlement zone line of Alsager and as such the presumption is in favour of development provided that it is in keeping with the town's scale and character and is appropriate to the character of its locality in terms of use, intensity, scale and appearance. On 9th June 2010 the Coalition Government amended PPS3. As a result garden land is now classed as Greenfield rather than Brownfield land. Nevertheless the application site is situated within the settlement zone line of Alsager as defined on the adopted Local Plan where there is a general presumption in favour of

new development as indicated by policy PS4 of that Plan. It is therefore considered that the erection of one bungalow on the site would comply with this requirement.

Layout and Scale

The proposal is for a detached bungalow that would be sited in the northeastern part of the site. The surrounding development has varying layout patterns including semi-detached properties in a linear form and large detached dwellings set in substantial plots. Concerns have been expressed over the size of the proposed building, however it should be noted that there are dwellings of a similar size and larger in close proximity to the site and a variety of designs and property types in the general area. It is therefore considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

Appearance

The proposal is for a bungalow that would be constructed of rendered blockwork with stone plinth details and window surrounds and Staffordshire Blue/black clay roof tiles, the windows would be hardwood. Overall given the variety of property designs in the vicinity of the site including bungalows and two-storey properties it is not considered that the design of the proposed dwelling would be out of keeping with the character of the area. Concerns have been raised over the height of the roof line of the dwelling, which would be 7.1 metres high at the ridge. This is considered to be somewhat high for a bungalow, but does not render the appearance of the building unacceptable and is only 0.1m higher than numbers 6 and 8 Heath End Road. As such in terms of appearance this is not considered to be a reasonable reason for refusal of the application.

Amenity

There are four residential properties that share a boundary with the site, numbers 6 and 8 Heath End Road, number 21 Rydal Way and number 21 Pikemere Road and the impact on the amenities of these properties must be given careful consideration in the determination of this application. Number 8 Heath End Road would be in excess of 40 metres away from the proposed dwelling and it is therefore considered that there would not be an adverse impact on the residential amenities of this property. Having regard to number 6 Heath End Road, the nearest window facing this property would be in excess of 22 metres away and as such would meet the requirements of Supplementary Planning Document 2: Private Open Space. Number 21 Rydal Way would also be in excess of 22 metres away from the proposed new dwelling and having regard to this property, it is not considered that there would be any adverse impact on the amenities of its occupiers. The bungalow would be partly sited adjacent to the rear garden of 21 Pikemere Road, however given the length of this garden and the provision of suitable boundary treatments, it is not considered that there would be any significant adverse impact on the amenities of the occupiers of this property.

Letters of objection have been submitted expressing concerns regarding the height of the roof of the proposed bungalow, in particular the potential for development within the roof space that may impact on the privacy of neighbouring dwellings. Having regard to

this issue it is considered that although the proposed dwelling does meet the required separation distances, it is considered to be reasonable to impose a condition removing permitted development rights for alterations to the roof of the property. This is considered to be necessary in order to avoid the potential for the loss of privacy to the private amenity spaces of the neighbouring properties in the future.

Highways

The Strategic Highways Manager has submitted no objections to this proposal on highway safety grounds, subject to a properly constructed vehicle crossing. It should be noted that a previous application was subject to appeal in 2002 (33264/3). This appeal was dismissed and one of the reasons given was that there would be an adverse impact on highway safety. However that proposal was for 5 dwellings and the Inspector emphasised that the number of dwellings proposed informed her decision, as such given that this proposal is only for 1 dwelling and in the absence of objections from the Strategic Highways Manager, it is considered that a refusal on these grounds would not be sustainable.

Ecology - Protected Species & Nature Conservation

The site has been identified as containing a habitat for Great Crested Newts and reports have been submitted to inform assessment of this issue. The Nature Conservation Officer has visited the site and assessed the submitted reports. The conclusions drawn from this are that provided that the mitigation proposals are completed in full, adverse impacts on protected species will be negligible and in particular the viability of the Great Crested Newt population at the location should be sustainable. The habitat enhancements must however be secured for the longer term by completion of a Section 106 Agreement ensuring that the future management of this part of the site will be controlled.

EC Habitats Directive

Conservation (Natural Habitats &c.) Regulations 1994

PPS9 Biodiversity and Geological Conservation

ODPM Circular 06/2005

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in paragraph 116 of PPS9. In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case it is considered that there is no satisfactory alternative to the development and that without it the site could become derelict, which may lead to the loss of the habitat for Great Crested Newts. Therefore there would be public benefit derived from the retention and protection of this habitat.

Trees and Landscape

There is an area of woodland and two trees subject to Tree Preservation Orders on the site and therefore an important issue relating to this application is the impact of the access road on these protected trees. The public inquiry that was held into a previous application (33264/3), concluded that a satisfactory method of construction could be achieved that would not adversely impact on the health of these trees. A Method Statement has been submitted with the application detailing proposed works to the trees, their protection during construction, and the specification for the driveway including special construction techniques. These are considered to be acceptable subject to the submission of some further details, which have been requested from the applicant. In the Supplementary Planning Statement it is stated that services can be routed within the curtilage of No 6 Heath End Road, however specific details were not submitted. At the time of report writing these details have not been received, however the applicant has agreed to provide them and an update on this will be provided in an update for the Committee. It is therefore considered that subject to the further information requested being satisfactory, that the development would not have any significant adverse impact on the protected trees. It is also considered necessary to impose conditions requiring submission of detailed landscape plans for the site.

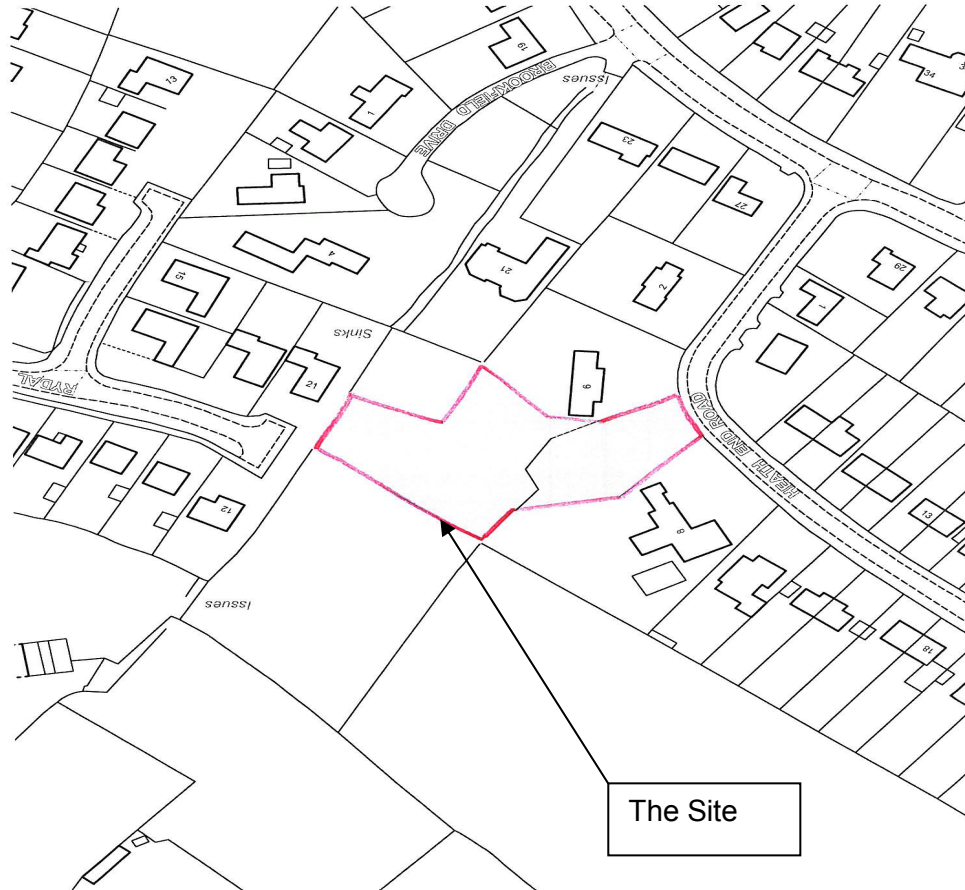
CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, the site is within the settlement zone line of Alsager in the adopted local plan and the proposed development complies with the relevant policies contained within that document. The proposal is of an appropriate scale and design and includes measures to ensure the continued viability of the habitat of Great Crested Newts. It is therefore recommended that the application be approved subject to the completion of a Section 106 Agreement ensuring the future management of the site will be controlled and subject to the following conditions:

RECOMMENDATION: Approve subject to the following conditions

1. Commence development within 3 years
2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials
4. Submission of a Phase 1 land contamination survey
5. Limits on hours of construction
6. Limits on hours of piling
7. Submission of detailed landscaping scheme
8. Implementation of landscaping scheme
9. Submission and implementation of tree protection scheme
10. Compliance with the Method Statement for Protection of Tree During Development
11. Submission and implementation of surveys and mitigation methods for the protection of breeding birds
12. Submission and implementation of details of bat and bird boxes
13. Compliance with the Great Crested Newt Mitigation Strategy
14. Removal of permitted development rights for alterations to the roof

Location Plan: Cheshire East Council Licence No. 100049045



Application No: 10/2384C

Location: Land Adjacent Newcastle Road Brereton Cheshire

Proposal: Change of Use of Land to Mixed Equestrian/Agricultural Including Formation of a Private Horse Breeding and Training Facility to Comprise Stabling, Storage and Indoor and Outdoor Exercise Arenas

Applicant: Mr Davenport

Expiry Date: 20th September 2010

Ward: Congleton Rural / Sandbach

Date Report Prepared: 2nd March 2011

SUMMARY RECOMMENDATION

Subject to further the hedgerow proposed for removal not being important under the Hedgerow Regulations and satisfaction of agricultural land classification - **approve with conditions**

Or

Refuse as the proposal would involve the removal of 203 metres of 'important' hedgerow which forms the site boundary with Newcastle Road, without any overriding reasons, contrary to Local Plan policy NR3 (Habitats).

MAIN ISSUES:

Principle of Development
Landscape – Hedgerow Assessment
Nature Conservation – Protected Species
Loss of Agricultural Land
Amenity
Erosion and loss of Vegetation
Highways
Design
Public Bridle Network

REASON FOR REFERRAL

This application is referred to the Southern Area Planning Committee as it involves development that exceeds 1000sq.m.

DESCRIPTION OF SITE AND CONTEXT

The application site is situated between the villages of Arclid and Brereton and site comprises a field which is accessed off Newcastle Road. The site boundaries comprise well established hedgerows and trees, with Public Footpath 16 (Brereton) running along the eastern and southern boundaries within the site itself. Surrounding land uses comprise agriculture with some residential properties to the southeast within the Taxmere Farm residential complex, and to the east along Newcastle Road.

DETAILS OF PROPOSAL

The application proposes an equestrian facility which would comprise a block of 20 No. stables, an indoor riding arena, storage, parking area, new vehicular access and outdoor riding arena / manege. The development would be made up of 2No buildings with the indoor exercise arena measuring 55 metres by 27 metre with a maximum height of 7 metres, and the stable block measuring 55 metres by 12 metres with a maximum height to the ridge of 4.7 metres. The application also includes change of use of the land from agriculture to equestrian use.

A separate application has been submitted which seeks the change of use from agriculture to equestrian and relates to the land edged blue in the current application.10/3258C

POLICIES

The Development Plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review 2005.

The relevant development plan policies are:

Regional Spatial Strategy (NW)

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP7 Promote Environmental Quality

L1 Health, Sport, Recreation, Cultural and Education Services Provision

Local Plan Policy

PS8 Open Countryside

GR1 New Development

GR2 Design

GR4 Landscape
GR6 Amenity and Health
GR9 Accessibility, Servicing and Parking Provision
NR1 Trees and Woodlands
NR2 Nature Conservation
NR3 Nature Conservation - Habitats
RC5 Equestrian Facilities

Other Material Considerations

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPS 9 Biodiversity and Geological Conservation

CONSULTATIONS (External to Planning)

Environmental Health:

No objection subject to the following conditions:

- (i) Hours of operation of site 8am – 6pm Monday – Sunday, except in the case of emergencies
- (ii) Details of any proposed lighting
- (iii) Private use – not to be hired out
- (iv) Manure storage and disposal in accordance with Design Statement titled Waste Management (June 2010).
- (v) Construction Hours 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays

Highways:

The Strategic Highways Manager has no objection subject to the following conditions:

- (i) Private use only
- (ii) Construction of access prior to first use

Informative – S184 License required.

Nature Conservation:

The Nature Conservation Officer does not anticipate the proposed development having any reasonably likely impacts upon protected species. Replacement planting would mitigate the loss of the hedgerow. No objections subject to the following conditions:

- (i) Protection of breeding birds.
- (ii) Implementation of specific recommendations made in the ecological reports.

(iii) Landscaping

Public Rights of Way:

No objection subject to informative relating to protection of the Right of Way.

VIEWS OF THE PARISH COUNCIL

The Application site falls within the boundaries of Sandbach Town Council and Brereton Parish Council.

Sandbach Town Council – Members do not consider that the application is relevant to Sandbach Town Council.

Brereton Parish Council – No comments received at the time of report preparation.

OTHER REPRESENTATIONS:

Two objections have been received from neighbouring residences The Threshings and Hollybrook Cottage, Taxmere Farm which are summarised below. The objections related to the original proposal. Due to changes to the application further publicity has taken place and neighbour letters have been sent out. No further representations have been received at the time of report preparation on the revised proposals. However the original objections will be considered accordingly:

- Landscaping – the proposed species are deciduous therefore the development will be visible during winter. More landscaping required i.e. evergreen to provide screening for the Threshings, Taxmere Farm.
- Highway safety and volume of traffic which would exceed the proposed estimates
- Noise – from foaling mares and early morning activities ie gymkhanas / show jumping activities.
- It will be necessary to have outdoor floodlighting during autumn and winter months which would be highly visible and undesirable. Light pollution to neighbouring dwellings if the development is flood lit.
- Security issues – 24/7 supervision will be required for safety and security of horses and the premises / business. Staff will need to be accommodated on the premises. - - -
- This will lead to an application for a permanent accommodation block which is not desirable.
- Waste Disposal – although reference is made to waste disposal there is a concern that this will be overlooked.
- The business would grow in size and volume, possibly introducing livery, gymkhanas, shows etc which would be undesirable.

APPLICANT'S SUPPORTING INFORMATION

- Greenscape Environmental - Protected Species Report May 2010
- Greenscape Environmental - Phase 1 and 2 Field Boundary Assessment Boundary -
- Management Plan October 2010

- Greenscape Environmental – Consideration of Hedgerow along Newcastle Road
- Design Statement

OFFICER APPRAISAL

Principle of Development

The application site is situated in the open countryside, as defined by the Congleton Borough Local Plan. Policy PS8 (Open Countryside) seeks to restrict development in the open countryside unless it falls within one of the purposes laid out in the policy. The policy allows for the provision of facilities for outdoor sport and recreation, whilst policy RC5 (Equestrian Facilities) recognises the provision of equestrian facilities outside the settlement boundary, subject to meeting the policy criteria. The principle of the development is therefore accepted provided that: (i) the proposal would not adversely affect either directly or indirectly, areas of nature conservation, geological, archaeological or landscape value; (ii) the site is well screened and the development would not obstruct views of local significance nor be visually detrimental to the character of the area; (iii) no permanent loss of agricultural land graded 1, 2 or 3 is involved; (iv) there would be no detriment to the amenity of nearby residential areas; (v) there would be no detriment to the nature of the land as a result of possible erosion or loss of vegetation; (vi) adequate on-site car parking and access from a public highway can be achieved and there is no excessive traffic generation on the existing highways network; (vii) any permanent structures, car parks, or feature do not intrude into the surrounding landscape in terms of siting, design and materials use; (viii) the proposed development is reasonably well related to the existing public bridle network whose capacity is locally adequate to support increased use by horses and riders without detriment to other authorised traffic.

Landscape

To achieve the visibility splay requirements for the proposed vehicular access this would necessitate the removal of 203 metres of hedgerow and 5 No. trees for the length of the site boundary along Newcastle Road. The hedgerow has been identified in the submitted phase 1 and 2 surveys as being species poor, and whilst the trees are of no exceptional individual merit, together they form an attractive feature along the road frontage. Due to the length of hedgerow removal, the applicant was required to assess the hedgerow against the criteria in the Hedgerow Regulations 1997. This also required consultations with the Council's Archaeologist and the Records Office, in order to ascertain whether or not the hedgerow is 'important' under any criteria in the Regulations. An assessment has been made although a response from the Records Office is still outstanding. This information is required to establish under Schedule 1 Part II of the Hedgerow Regulations (Paragraph 5) whether the hedgerow is an integral part of a field system predating the Inclosures Act, or is part of, or visibly related to, any building or other feature associated with such a system that is (i) substantially complete or (ii) a pattern which is recorded in a document by the LPA, within the meaning of the 1990 Act for the purposes of Development Control within the Authority's area as a key landscape characteristic. The outcome of this consultation will be provided by update as this will be a material

consideration in the determination of the application under Local Plan policy NR3 (Habitats). This policy provides that development which would result in the loss or damage of important hedgerows will only be allowed if there are overriding reasons for allowing the development and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site, and there are no suitable alternatives.

Nature Conservation

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places:

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is:
 - no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NR2 (Nature Conservation) seeks to protect nature conservation interests and require comprehensive assessments of the impact of proposals. Proposals which would result in the loss or damage of...any site or habitat supporting species that are protected by law will not be permitted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats

would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

There are a number of ponds within 250 metres of the proposed development which have been subject to surveys to identify the presence, or otherwise, of Great Crested Newts. A small population of GCN's was found in pond 4 which is situated to the southwest of the site and around 150 metres in distance from the proposed development. This pond also contained a population of Smooth Newts.

The ecological report concludes that the development is unlikely to impact on the conservation status of GCN's and provides a method statement which would negate the need for a Natural England License. The submitted method statement includes proposals for additional searches of the areas affected by the development immediately before work starts, measures to be taken to avoid disturbance of newts together with proposals for the enhancement of the site in accordance with PPS9.

Although the application proposes hedgerow and tree removal along the boundary of the site with Newcastle Road, this would not impact upon GCN's or bat species which are not present in this area. The trees to be removed have been assessed as having poor potential for bat roosts with no bat species being identified in this location. The report states that the only presence of bats was recorded around the trees to the southwest of the site where no tree no trees are proposed for removal.

Replacement planting would mitigate against the loss of the hedgerow and trees, and other habitat enhancement is proposed. Subject to conditions, the Council's Nature Conservation Officer is satisfied that there would be no reasonably likely impacts upon protected species and as such the proposal is considered to accord with the Habitat Regulations and Local Plan policies NR2 (Nature Conservation) and RC5 (Equestrian Facilities).

Loss of agricultural land

The development would result in the loss of agricultural land as a result of the equestrian facilities. The grading of the land is presently not known as the consultation response is still awaited from Natural England. This will be provided by update.

Amenity

A key consideration is the impact of the proposed development on the residential amenity of neighbouring properties. The nearest properties to the built development are those contained within the Taxmere Farm complex which are around 120 metres to the southeast of the site and Wellcroft which is situated around 140 metres to the northeast on the opposite side of Newcastle Road. Existing boundary treatments in the form of well

established vegetation would act as a visual buffer to screen the development from nearby residences., However it is acknowledged that additional planting and 'gapping up' would be of benefit and this would be secured via condition.

The issue of noise has been raised in the neighbour objection, particularly with regard to foaling mares and early morning activities i.e. gymkhanas. The stable element of the proposal has been sited to the western boundary at the furthest point from residential properties and Environmental Health have raised no concern regarding noise from horses. Given the distance from the residential properties and the absence of an objection from Environmental Health it is not considered that this would be sufficient grounds for refusal of the application. The development would be a private facility and therefore any show jumping activities that occur would be for training purposes for the horses kept on site and would not be as a result of show jumping events or gymkhanas. This would also be controlled by condition if any permission was granted.

Environmental Health have, however, requested that the hours of operation of the facility are restricted to 8am to 6pm Monday to Sunday. It is not considered that this would not be reasonable given the nature of the proposal which involves breeding horse and therefore may require operating outside this timeframe. The proposal does not include any external floodlighting and as such outdoor activity would be limited in this respect.

Having regard to the above it is considered that the proposal is in accordance with Local Plan policy GR6 (Amenity and Health) and RC5 (Equestrian Facilities).

Erosion and loss of vegetation

The development would result in the loss of the hedgerow along the boundary with Newcastle Road however further information is required in respect of this, as discussed above. Equestrian use is an appropriate use in rural areas, and the development would include specific areas for training such as the indoor and outdoor riding arena. Additional land would be subject to change of use and it is therefore unlikely that significant erosion would occur given that the site is currently used for grazing horses.

Highways

The application proposes a new access to the northeast of the site which achieves the required visibility splays. Provision of the access prior to first use of the development would be secured by condition. The proposal is a private breeding and training facility and as such would not generate the same level of traffic as a commercial enterprise. A parking area is provided to the west of the site, to the rear of the stable block. Subject to conditions, the Strategic Highways Manager has no objection to the application, and therefore the proposal is considered to be acceptable in highway safety terms and is in accordance with Local Plan policies GR9 (Accessibility, Servicing and Parking Provision) and RC5 (Equestrian Facilities).

Design

The application proposes an equestrian facility which would comprise of 20 No. stables, an indoor riding arena, storage, parking area, new vehicular access and outdoor riding arena. During the application process negotiations have taken place in order to secure a higher standard of design and layout of the facility. The initial proposal included a single building which incorporated all facilities under one roof. Essentially this resulted in a large-scale building with considerable bulk and mass. The revised proposal has broken up the facilities into individual units, including a reduction in size to the minimum operational requirements. The development is sited to the southwest corner of the site with the parking area sited in proximity to the western boundary behind the stable block.

Although the main building which houses the indoor riding arena is still relatively large in scale at 55 metres by 27 metres, the layout and siting of the stable block and manege in front of the building significantly reduces the bulk and mass of the development, particularly when viewed from Newcastle Road. The main building is agricultural in appearance with the stable element representing a typical modern brick built stable block. Having regard to the agricultural nature of the locality and surrounding farm buildings / former farm buildings it is considered that the development is of an acceptable design standard which would not appear incongruous. The development would be visible from Newcastle Road given its overall size, but the majority of these views would be gained from passing traffic. A Public Right of Way (Footpath 16 Brereton) runs within the site along its eastern and southern boundary and as such the development would be highly visible from this public receptor. Policy RC5 requires, amongst other things, that proposals for equestrian facilities will only be permitted where the site is well screened and the development would not obstruct views of local significance nor be visually detrimental to the character of the area. Although the development would not be screened from this section of the footpath due to it falling within the site, it is not considered that any views from the public right of way would be detrimental to the visual amenity of this receptor or the character and appearance of the area. A condition would be attached to any permission in order to ensure appropriate landscaping of the site and to provide visual screening from residential properties in proximity to the development. The level of hard-standing around the development has not been provided in detail and as such this information would also be required via condition in the interests of the appearance of the site.

Having regard to the above the development would be acceptable in design terms and would have an acceptable impact on the character and appearance of the open countryside, therefore complying with Local Plan policies GR2 (Design) and RC5 (Equestrian Facilities). Furthermore the proposal would be consistent with the guidance contained in PPS4 which states that where appropriate, LPA's should support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs of training and breeding businesses that maintain environmental quality and countryside character.

Public Bridle Network

The application does not propose a recreational equestrian centre and as such access to the public bridle network is not required. The facility would involve the training of sports horses which would take place within the confines of the application site. As such there is no requirement to be located in proximity to the bridle network under Local Plan policy RC5 (Equestrian Facilities).

Other Matters

Security

In terms of security the vehicular access will be gated to prevent unauthorised access to the site. The application proposes timber post and rail fencing within the site which will provide a boundary to the public footpath thereby preventing walkers from entering the site. The buildings will be secured with appropriate locking systems and also intruder alarms to the doors. CCTV will be installed to monitor activity, in addition to the applicant living a short journey away from the site. Whilst neighbour concerns about security are noted, this is not a consideration to warrant refusal of the planning application.

It has been raised in objection that the development will eventually lead to a permanent application for an accommodation block. The current application does not seek to provide residential accommodation and as such is not a consideration. Any future applications would need to be considered on their own merits at the relevant time

Waste Management

The application provides detail of waste management which would be stored in a mobile trailer and removed from site when full. Environmental Health consider this to be acceptable. Details of the location of this facility would be required by condition in order to ensure a suitable location is identified within the site.

Floodlighting

The application does not propose any external floodlighting and as such this issue cannot be considered in terms of the neighbour objection and light pollution to neighbouring properties. Any floodlighting would require a separate application which would be subject to appropriate assessment at the time.

Conclusions

Further information is required in relation to the hedgerow which is proposed for removal in order to ascertain whether or not the hedgerow is classed as 'important' under the Hedgerow Regulations 1997. The outcome of the information is a material consideration in the determination of the application under policy NR3 (Habitats), and as such this detail will be provided by update. In terms of other issues the development is considered to have an acceptable impact on neighbouring residential amenity and highway safety. Further information is also required in respect of the agricultural land classification. The proposal

is considered to be of an acceptable standard of design having regard to the nature of the facility for horse breeding and training purposes; and would not be detrimental to the character and appearance of the open countryside. Although protected species (Great Crested Newts and Bats) have been identified the development would not affect the conservation status of the existing GCN population, nor would it result in the loss of terrestrial habitat. The trees proposed for removal are not suitable for roosting bats, and subject to adherence to the recommendations made within the submitted ecological reports it is considered that there would be no adverse impacts on protected species as a result of the proposed development.

Recommendations

APPROVE

Subject to additional information concluding that the hedgerow to be removed is not 'important' under the Hedgerow Regulations and also the agricultural land classification being satisfactory; and the following conditions:

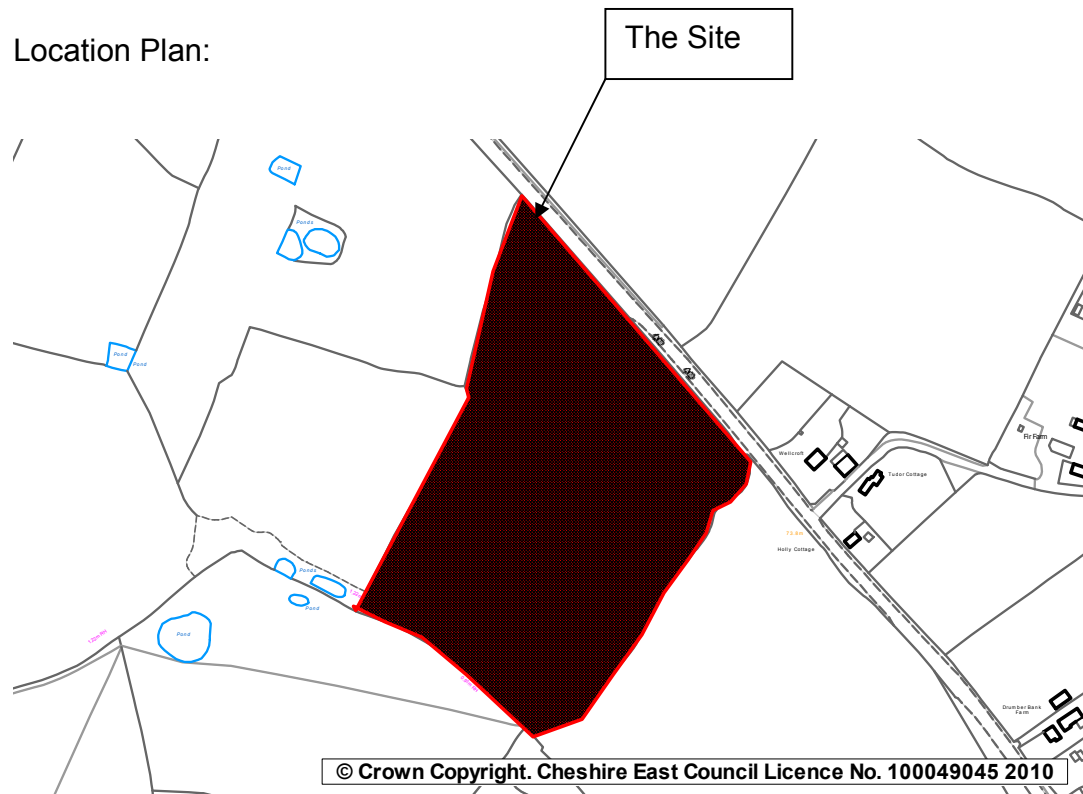
1. Standard Time
2. Approved Plans
3. Materials to be submitted
4. Landscape scheme – hard and soft
5. Landscape Implementation
6. Details of manure store
7. Hours of construction - 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays
8. No lighting
9. Private use only
10. Construction of access prior to first use
11. Protection of breeding birds.
12. Implementation of specific recommendations made in the ecological reports.
13. No Gymkhanas / public events
14. Removal of buildings and manege within six months of the date when they cease to be used for equine purposes
15. Remove rights for the siting of containers on the application site
16. Limit the number of horse transporters parked on the site to five

Or in the event that the hedgerow is considered to be 'important' under the Hedgerow Regulations:

REFUSE for the following reasons:

1. The proposal would involve the removal of 203 metres of 'important' hedgerow which forms the site boundary with Newcastle Road, without any overriding reasons, contrary to Local Plan policy NR3 (Habitats).

Location Plan:



Application No:	10/5008N
Location:	Former surgery & pharmacy, 501 Crewe Road, Wistaston, Crewe, CW2 6QP
Proposal:	Change of Use from former GP surgery and pharmacy to Chinese Restaurant and take-away
Applicant:	Mr Wah Lau, 161 Northernden Road, Sale, Lancashire, M33 2HS
Expiry Date:	20.03.2011
Ward:	Rope

SUMMARY RECOMMENDATION:**Approve with conditions****MAIN ISSUES:**

- **Parking provision,**
- **Highway safety**
- **Neighbouring amenity**

REASON FOR REFERRAL

This application has been referred for the consideration of the Southern Planning Committee by Councillor Margaret Simon for the following reasons:

“Highways and parking concerns, noise nuisance and cooking related smells in a residential area”.

DESCRIPTION OF SITE AND CONTEXT

The application site is located at the junction of Crewe Road and Brookland Avenue within the Settlement Boundary for Crewe. Neighbouring the site to the north is a church beyond which are residential dwellings. To the west is a dwelling that has been converted to an optician's surgery and further residential properties. Across Crewe Road to the south and Brooklands Avenue to the east are residential properties. To the south-east of the site, diagonally across the crossroads, is a funeral parlour. The surrounding area as a whole is predominately residential.

The premises were previously used as office accommodation and a doctor's surgery. However it understood to have stood empty for approximately 3 years.

Currently the site has parking provision for 12 cars.

DETAILS OF PROPOSAL

The proposed development is for a change of use to a Chinese restaurant and take-away thus giving the premises a A3 and A5 Use Class.

There are no external alterations to the building included as part of this application. If changes are proposed at a later date if required a further application will be required.

RELEVANT HISTORY

- P09/0059 - Partial Demolition and Alterations to Existing Building, Formation of Car Parking and Turning Area and Change of Use to Veterinary Surgery - approved with conditions 2009
- P04/0762 - Change of Use to Use to Offices (B1) and Provision of Medical or Health Services – approved with conditions 2004
- P01/0834 - Alterations to Provide Access by Disabled Persons – approved 2001
- P99/0281 - COU of hairdresser's salon to doctors surgery – approved 1999
- P91/0294 - Office and consulting room extension – approved with conditions 1991

POLICIES

Borough of Crewe and Nantwich Replacement Local Plan Policy

- BE.1 Amenity
- BE.2 Design Standards
- BE.3 Access And Parking

Other Material Considerations

PPS1 Delivering Sustainable Development

CONSULTATIONS (External to Planning)

Highways:

The Strategic Highways and Transportation Manager has assessed this application and offers the following comments:

There will no significant impact on the surrounding highways infrastructure as a direct result of this development.

Any displaced parking as a direct result of this proposal would be away from the signals and the access into the car park, as this area is protected by traffic regulation orders.

There are no recorded serious road traffic accidents as a direct result of this car park.

This proposal is in a very sustainable location with good bus links to Crewe, Nantwich, Shavington and surrounding the villages. There is also a cycle route that runs directly past this proposal.

No highways objections as 12 parking spaces will more than accommodate this type of development.

Environmental Health:

Environmental Health does not object to this application subject to the following conditions:

1. Before the use commences details of any proposed lighting of the site shall be submitted in writing and approved by the Borough Council, in the interests of protecting the amenity of the local residents.
2. Before the use commences details of the proposed hours of opening shall be submitted in writing and approved by the Borough Council, in the interests of protecting the amenity of the local residents.
3. All odours and fumes from the building shall be extracted to prevent causing a nuisance to local residents and in accordance with a scheme submitted to in writing and approved by the Borough Council.
4. No implements, boxes, crates, drums, refuse or other waste material shall be placed or stored on the application site other than within the buildings on the site, unless agreed in writing previously with the borough council. To protect the visual amenity of local residents
5. Before the use commences the building together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to in writing and approved by the borough council.

VIEWS OF THE PARISH / TOWN COUNCIL:

None received

OTHER REPRESENTATIONS:

20 letters of objection have been received from the residents of 2, 6, 7, 8, 10, 11, 14, 17, 18, 19, 20, 22, 23, 27 Brooklands Avenue, Wells Green Methodist Church, 252, 438, 446 and Crewe Road 24 Springfield Drive and 8 Swift Close which make the following points:

- Highway safety with regards to accessing and leaving the site
- Dangerous parking/parking on double yellow lines
- Insufficient parking
- Disturbance and noise, especially at night
- Litter
- Cooking smells enveloping the surrounding area
- Means of rubbish disposal
- Youths congregating outside the premises
- A restaurant/take away will detract from the area
- No need for the proposed development
- Illuminated signage will damage the amenity of the area and nearby dwellings
- No mention of opening in the application
- Increase in anti-social behaviour
- Rubbish will attract vermin
- Devaluation of property prices

As well as the letters of objection one anonymous letter of support has been received from a resident of Well's Green.

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

OFFICER APPRAISAL

Principle of Development

This is a full planning application for a change of use from doctor's surgery (D1) to a Chinese restaurant and take away (A3/A5) which is acceptable in principle providing that there is not a detrimental impact upon neighbouring amenity, the streetscene of Crewe Road and Brooklands Avenue or on highway safety.

Design

There are to be no material changes to the exterior of the building or signage to be considered as part of this application. This will be done via a separate application at a later date should this application be approved.

Therefore the proposed development complies with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Amenity

The application site sits on a busy road junction on one of the main routes between Nantwich and Crewe and as a result there is a significant level of existing background noise and activity.

Adjoining the site to the north is a church while directly to the west is a detached property housing an Optician's surgery. These two non-residential premises are not considered to be sensitive receptors and will help to screen the proposed development from residential dwellings to the north and west in terms of potential noise and smells.

Furthermore the application site is approximately 25 metres away from residential dwellings to the east and approximately 37 metres from dwellings to the south. In view of these distances and the intervening busy main roads, it is not considered that there will be any significant detrimental impact upon residential amenity by reason of noise, smells and disturbance. Similar relationships between restaurants, takeaways and residential properties exist throughout the Borough without generating cause for complaint.

Controls can also be imposed through conditions relating to opening hours, air conditioning units, extraction units and odour control, and the storage and removal of waste from the proposed restaurant can be monitored and controlled through Environmental Health legislation.

Therefore, for the reasons stated above and in the absence of any objection from Environmental Health it is considered that the scheme complies with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Highway Safety and Parking

Concern has been expressed regarding highway safety with vehicles entering and leaving the site. It is accepted that Crewe Road is a busy thoroughfare, and that the site is located on a junction. However it is rarely a congestion hotspot other than during the morning rush hour when the proposed restaurant/take away would be closed. During the evening the Crewe Road and connecting roads are much quieter.

The proposed restaurant will seat between 68 and 84 diners when at capacity and it is proposed that 12 car parking spaces be provided. This is considered as sufficient for this type of development by the Strategic Highways and Transport Manager.

The junction of Brooklands Avenue and Crewe Road is protected by double yellow lines meaning that any displaced parking as a direct result of this proposal will be away from the access to the car park and not causing a hazard. Further to this there are no recorded serious road traffic accidents as at this location vehicles generally drive at slower speeds when approaching or leaving the traffic signals.

The proposed restaurant/takeaway will be used during the afternoons and evenings when traffic is quieter and flows freely.

The site is close to a bus stop on a frequent bus route between Crewe and Nantwich, which connects with the station. There is a substantial local population within walking distance from which the restaurant will draw trade. Added to which the nature of the use is such that people are more likely to car share or take taxis than they would at other times.

It has been highlighted that users of the adjacent church regularly park on the double yellow lines of Brookland Avenue when attending. However, it would appear that the church does not have any parking space within their ownership for patrons to use. The issue of cars parking on double yellow lines is a separate enforcement issue and can be controlled through other legislation. Times of peak demand for the restaurant will be very different to

that of the church and consequently it will not exacerbate any existing on street parking problems.

The Strategic Highways and Transport Manager has assessed the application and has no objections in terms of highway safety or provision of parking spaces on the site.

Therefore the proposed development complies with Policy BE.1 (Amenity) and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Other Matters

The issues raised by neighbours regarding litter, vermin and anti-social behaviour are noted. However there is no evidence to suggest that any of these problems would arise if approval for the change of use were to be granted. As stated earlier, similar relationships between catering establishments and residential properties already exist throughout the Borough and these problems have not occurred. A refusal on these grounds could not be sustained at appeal.

Residents have also expressed concerned regarding negative effects on property values and the need for the proposed restaurant/take away, however these are not material planning considerations and cannot be considered as part of this application.

CONCLUSIONS

This application does not include any changes to the external elevations of the application building or the use of any signage. Therefore the proposed change of use from doctor's surgery to a Chinese restaurant and take away will not have a detrimental impact upon the Streetscene of Crewe Road or Brooklands Avenue.

The conditions attached by the Environmental Health Officer will mitigate any loss of amenity to neighbouring residential properties by reason of noise and cooking odours.

The Strategic Highways and Transport Management has not raised any objections concerning the safety of the site and the surrounding highway, and is satisfied that the proposed parking provision is sufficient for the application site.

The proposal therefore complies with the relevant policies and is accordingly recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions

- 1) Commencement of development (3 years)**
- 2) Development in accord with approved plans**
- 3) Hours of Operation**
- 4) Cooking odour extraction equipment**
- 5) Acoustic Attenuation**
- 6) Details of external lighting**
- 7) Storage of waste**
- 8)) No external alterations or signage without a further application**

Reason(s) for Decision:-

The proposed development, as conditioned, would not be unduly detrimental to neighbouring amenity, the streetscene and highway safety having regard to Policy BE.1, Policy BE.2 and Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: **11/0415C**

Location: **Congleton Cricket Club, Booth Street, Congleton, CW12 4DG**

Proposal: **Joint Operator Monopole Type Tower Supporting 6no. Antennas and Associated Head Frame (Total Height 17.6m), 1no. Equipment Cabinet, 1no. Meter Cabinet and All Ancillary Development**

Applicant: **O2 and Vodafone c/o WFS Telecom**

Expiry Date: **28th March 2011**

Ward: **Congleton Town West**

Date Report Prepared: **4th March 2011**

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES

- Principle of development
- The design, siting and external appearance
- Impact on the Congleton Conservation Area
- The lack of detailed exploration of alternative sites
- Health & Safety considerations
- Highways Safety
- Other Matters

REFERRAL

This application would usually be dealt with under the Council's delegation scheme. However, the application has been called into the Southern Planning Committee by Councillor David Topping for the following reasons,

'My reason for call-in is that the response indicates only the concern with the cricket club premises. There is no mention of blending with the properties adjacent to the cricket club. The company therefore expresses the need and duty to blend locally; I believe that they should demonstrate social responsibility to the adjacent community and seek further an appropriate position for the mast, the need for which no-one disputes. There is a nearby church and a fire station tower, for instance, both of which seem suitable'.

DESCRIPTION OF SITE AND CONTEXT

The proposal site is situated within the Congleton Town settlement boundary and within the Congleton - West Street Conservation Area (as extended in 2010). The proposal site is within the Congleton Cricket Club ground and the site location is to the south west corner of the cricket pitch, adjacent to the existing cricket score board. The site is surrounded by residential properties on three sides and the north of the site adjoins St.

James Church (which is on the local list of historic buildings), as well as the bowling green.

DETAILS OF PROPOSAL

The proposal is for a joint operator monopole tower for Telefonica O2 and Vodafone, which has a height of 15m and a width of 0.6m. The monopole tower has 6no. antennas and an associated head frame reaching a maximum total height of 17.6m. The mast will be sited on a 3m by 3m concrete foundation. The proposal also includes 1no. Vulcan equipment cabinet which is proposed to be of a width of 0.8m, a length of 1.9m, and a height of 1.2m, and 1no. electrical meter cabinet with a width of 0.25m, a length of 0.7m and a maximum height of 1m.

RELEVANT HISTORY

No relevant planning history

POLICIES

The relevant policies from the Congleton Borough Local Plan First Review 2005 are;

Local Plan policy

PS4: Towns
GR2: Design
GR6: Amenity
BH9: Conservation Areas
E19: Telecommunications
SPG9: Telecommunications.

Other Material Considerations

PPG8 – Telecommunications
PPS5 – Planning and the Historic Environment
Code of Best Practice on Mobile Phone Network Development (ODPM 2002)

CONSIDERATIONS (External to Planning)

Highways Authority: No highways objections

Environmental Health: This department believes that it is the role of national agencies such as the Independent Expert Group on Mobile Phones (IEGMP) and the Health Protection Agency (HPA) that incorporates National Radiation Protection Board (NRPB) to assess the pro's and con's of relevant research and provide, to Central Government, an expert balanced view relating to the legislative framework of the UK as a whole.

We then at a local level take our lead from guidance provided, typically regarding this topic, :- PPG 8 (Telecommunications) which states that local planning authorities (this includes Cheshire East Borough Council) should not implement their own precautionary policies with respect to these installations. Determining what measures are necessary for protecting public health rests with the Government. “

Given the above and providing the applicant can demonstrate that the installation meets the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure limits, there would be no health grounds for refusing the application.

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of writing this report

OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of, 18 Booth Street; 8 Heywood Street; 49 & 67 Crescent Road; 45 Astbury Street; 36 Davenport Street, Congleton

The main issues raised in the letters are;

- Health and safety impact caused to neighbours in very close proximity to the proposal site,
- Health and safety impact on young children who use the cricket field,
- The proposal will devalue surrounding properties,
- Visually inappropriate adjacent to conservation area,
- Will create a blot on the landscape which will never be removed once built,
- Suggests the WFS Telecom could plant a boulevard of trees down Booth Street, Astbury Street, and Crescent Road to distract away from eyesore,
- Other sites could be utilised such as Congleton Football Ground which has similarly tall floodlight towers, or West Street car park which is in a commercial area over 50m away from residential properties,
- The proposal site is designated as recreation land,
- Commercial activity such as this is totally inappropriate,
- The mast is so overpowering that even with an appropriate colour it could not be disguised,
- Amenity impact on neighbouring properties, e.g. cricket ground score board had to be kept to low level as to not have an impact on daylight to the adjacent bungalows.

Letter received from Fiona Bruce MP on behalf of the occupants of 11 The Green, Astbury. The letter related to an objection received from the occupiers, the main reasons for objection were;

- Close proximity to neighbouring properties for elderly people,
- Health and Safety impact on neighbouring school – Marfields Primary School.
- Obtrusive height
- Degeneration of the area

A petition of 135 signatures has also been received objecting to the proposal on the grounds of its close proximity to private dwellings and its obtrusive height which will degenerate the local landscape.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access and Supporting Statement
- ICNIRP Declaration

- Cornerstone: Supporting Technical Information for O2 and Vodafone
- Site Specific Supplementary Information

OFFICER APPRAISAL

Principle of Development

In principle telecommunication development is considered acceptable provided that it accords with the guidance set out in PPG8 (Telecommunications) and any relevant Development Plan policy for the area. In this instance Local Plan policies GR2: Design, BH9: Conservation Areas and E19: Telecommunications are most relevant for the proposed development.

PPG8 states that Government policy is to,

'facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum The Government also has a responsibility for protecting public health. The aim of telecommunications policy is to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available'

Local Plan Policy E19: Telecommunications largely reflects the advice given by Central Government in PPG8, however it has a stronger emphasis on only permitting development which does not adversely impact on neighbouring amenity, should not have an unacceptable impact upon important areas or features of landscape or architectural and historic value and preference should be given to proposals which avoid the need to erect large new masts by using existing buildings and structures or sharing existing facilities.

Essentially Local Planning Authorities should aim to encourage telecommunications systems where possible but should have regard for other planning policy which might outweigh the need for the service in that particular site.

The Design, Siting and External appearance

Within the Design section of PPG8, the Government states that *'in seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of the development on the environment. Particularly in designated areas, the aim should be for the apparatus to blend into the landscape.'* Furthermore the paragraph then goes on to state that *'operators are encouraged to provide to the local planning authority examples of different design solutions'*.

The proposed mast will have an overall height of 17.6m, 15m to the top of the monopole tower, with a further 2.6m to the top of the head frame and antennas. The proposed mast is to be of a standard colour (grey) and of a design which is usually seen within an industrial/commercial area. The adjacent cricket nets are 6m in height and most of the surrounding street lamps reach a maximum height of 8m. The adjacent bungalows which directly overlook the cricket pitch to the west of the site are approximately 5.5m in height.

The surrounding area is largely residential properties of two storey and single storey dwellings and the St James Church appears as a focal point within views. The proposal site is within the Congleton Conservation Area and therefore the lack of sympathetic design or camouflage clearly creates an element within the streetscene which is inappropriate by means of its height, design and would not easily blend into the landscape. It is understood that it is not always possible for the design of such masts to completely camouflage into the environment given the technical needs of the operator. However, there appears to have been no consideration of the impact the proposal will have on the Conservation Area and it is considered that the overall impact of the siting, design and external appearance of the mast is unacceptable, and the overall height difference of the mast to the surrounding street furniture and cricket nets would appear as a prominent addition having a detrimental impact upon the streetscene and is therefore contrary to National Policy Guidance PPG 8 or Local Plan policies GR2 and BH9 of the Congleton Borough Local Plan First Review 2005.

Impact on the Congleton Conservation Area

The Council's adopted Supplementary Planning Guidance Note 9 (July 2004) states that where it is not possible to use an existing mast or structure, any proposed new installation should be designed and sited so as to minimise the visual impact on the environment. The guidance note goes on to state that, *'new mast installations will not be permitted where they are considered to impinge directly upon the character, appearance or setting of a listed building, scheduled ancient monument or Conservation Area'*.

Policy BH9 seeks to only permit development within conservation areas which will not have a detrimental effect upon the existing special architectural and historic character or appearance of a conservation area; and in particular notes that development should be resisted which will have an intrusive impact within the setting of a conservation area or in relation to existing views into, out of, within or across the area.

The west end of West Street has only fairly recently been added into the appraisal for the Congleton Conservation Area (Adopted in July 2010), and it is highlighted within the appraisal that the main aims of the extension are to capture views of the St James Church, which is viewable from outside the conservation area through the cricket ground. The proposed mast would create an interruption to these views to the church and would therefore have an obtrusive impact on the setting of the conservation area.

Policy GR2 states that planning permission will only be granted for development which is sympathetic to the character, appearance and form of the site and the surrounding area, noting that, where appropriate, the proposal should respect existing features and areas of nature conservation, historic, architectural and archaeological value and importance within the site.

The proposed mast and additional head frame will have a maximum height of 17.6m which will be seen in views and vistas throughout the nearby conservation area. Within most views of the Congleton - West Street Conservation Area, St James Church is the tallest building with a small bell tower. The proposed mast will be seen in views of the conservation area behind the church having a detrimental impact on the visual amenity of the area. The applicants have made no efforts to disguise or camouflage the mast within the conservation area, and in particular the height and inclusion of the 6no. antennas together make an unacceptable design solution in this locality. The applicant has not met

the relevant design criteria set out in PPG8 by providing alternative design solutions or detailed design information to outline the reasoning for the industrial in appearance of the proposed mast. The overall impact of the mast will have an unacceptable impact on the character and appearance of the conservation area by means of its height, design and materials, and is therefore considered to be contrary to local plan policies GR2: Design and BH19: Conservation Area of the Congleton Borough Local Plan First Review 2005.

The lack of detailed exploration of alternative sites

The Council's adopted Supplementary Planning Guidance Note (July 2004) requires that to minimise visual impact, it will be preferable normally to site a new antenna onto an existing mast, building or other structure before considering a new mast. Operators will therefore be expected to provide evidence that they have explored all reasonable possibilities for siting the proposed equipment on an existing mast or structure.

Given the Government guidance which aims to facilitate new telecommunications development, consideration needs to be given whether all suitable alternative locations have been explored. As part of this application the applicant's agent has identified 16 other alternative locations which the applicant has discounted as being unacceptable. Two sites noted are schools, seven sites have been discounted on operation merits and there are several options which would be undesirable due to their positions within conservation areas and lack of suitable space within highway verges.

It is noted that the area of the applicant's coverage requirement is predominantly residential with few larger buildings, and an undulating topography. However it is considered that there are other alternative sites which have not been explored or explored fully by the applicant within the coverage area which could achieve the required coverage and have a lesser impact on the visual amenity of the conservation area. These would include a development within the existing Congleton Football Ground which has several large floodlights and is on higher ground than the cricket ground, the grass verge to the front of the fire station opposite the West Road/West Street/Clayton Bypass/Obseisk Way roundabout which has a large grass verge and is outside of the conservation area, roof development on the fire station and there may be other options within the conservation area for discretely designed and positioned street furniture. It is essential that all alternative sites are explored and that this has not been done as part of this planning application.

Health and Safety

Concern has been expressed nationally with regard to the effect of mobile phone base stations to human health. The Stewart Report (2001) concluded that there are gaps in the knowledge to justify a '*precautionary approach*' in regard to the siting of base stations. There have been various High Court judgements which have ruled either way on the issue of whether health considerations can be material in determining an application for planning permission or prior approval. The precautionary approach advocated by the Stewart Report and also the All Party Parliamentary Group on Mobile Phones Report (2004) is seen as the adoption of ICNIRP standards for exposure levels and also greater levels of consultation. It is acknowledged that this approach can reduce the risk perception of this type of development.

Whilst the proposed mast will be sited very close to residential properties, and in particular those of elderly people, it is the Government's view that if a proposed phone base station

meets the ICNIRP guidelines it should not be necessary for a local planning authority in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. It is therefore considered in this case that the proposed development will not have an unduly negative impact on the health and safety of the neighbouring properties given the applicant's compliance with the ICNIRP guidelines.

Highways

As it is proposed to site the mast within the grounds of the Congleton Cricket Club it is considered unlikely that the proposal would have an adverse impact on highway safety. The Highway Authority have also noted that they perceive no negative highway implications to be created due to the proposed development.

Other Matters Raised

Within the letters of objections received several objectors raised concerns that the proposed development would have a negative impact on the value of their property. Property values are not a material planning consideration and therefore any perceived loss in value could not be considered as a further reason for refusal for this planning application.

CONCLUSIONS

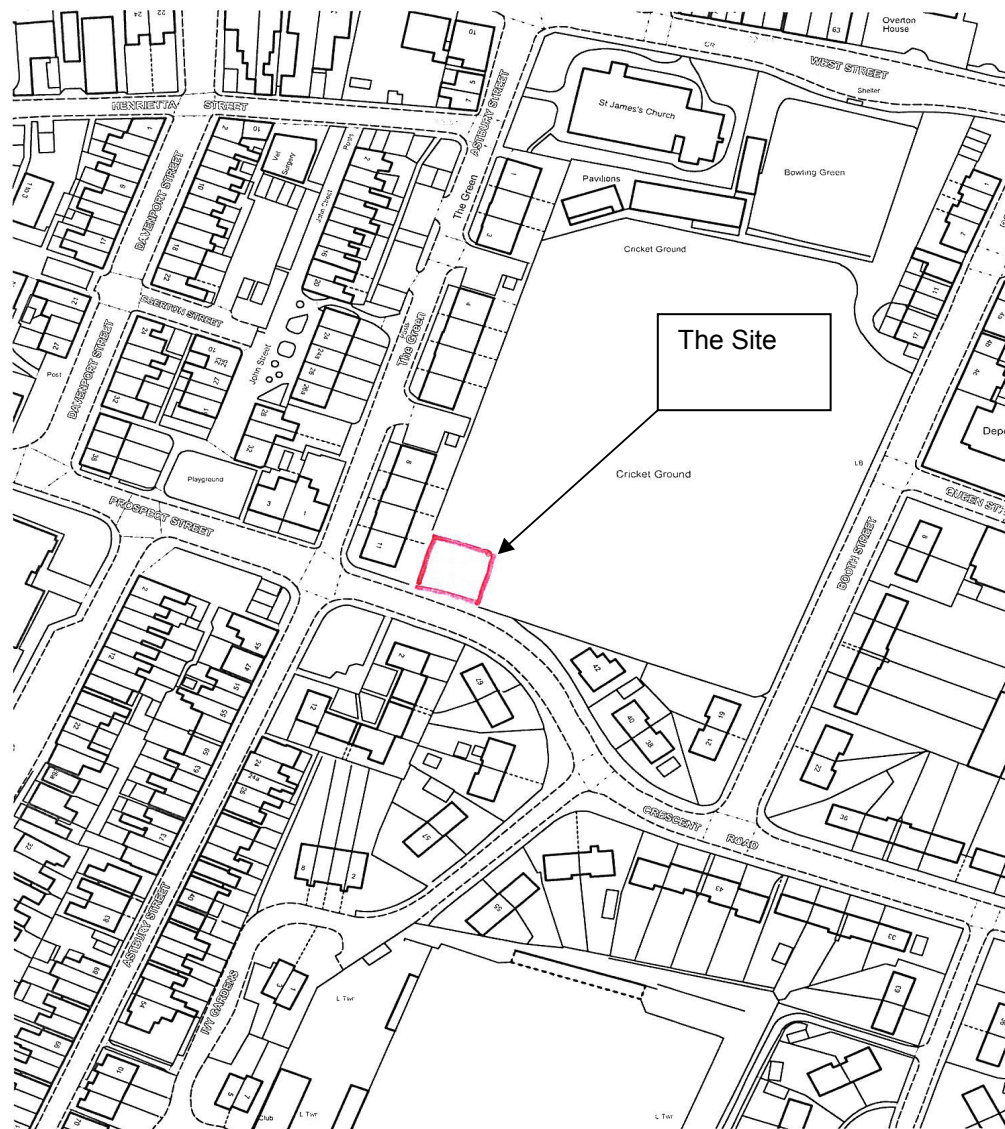
It is considered that the proposed 17.6m high monopole style mast with 6no antennas and associated head frame in this location would be significantly higher than the surrounding properties, cricket nets and street furniture, and would be an alien and intrusive feature that would have a detrimental impact on the visual amenities of the area and the Congleton Conservation Area. Furthermore it is felt that alternative locations and height of the mast have not been explored fully. The proposed development is therefore not acceptable on the application site.

RECOMMENDATIONS - Refuse

1. The Local Planning Authority considers that the proposed development by reason of its height, siting, design and appearance would create an alien and intrusive feature within the Congleton Conservation Area and would create an intrusive element within the views and vistas of the conservation area. The mast would be in a prominent location within a predominantly residential area and would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies GR2, Design and BH9, Conservation Areas of the Congleton Borough Local Plan First Review 2005.

2. The Local Planning Authority considers that there is a lack of evidence to demonstrate beyond doubt that alternative sites have been fully explored. The proposal therefore falls short of the requirements set out in Policy E19: Telecommunications and Supplementary Planning Guidance Note 9: Telecommunications of the Congleton Borough Local Plan First Review 2005 and the National Planning Policy Guidance 8 (Telecommunications).

Location Plan: Cheshire East Council Licence
No.00049045



Application No: 11/0431C

Location : Grass Verge Adjacent Entrance To Berkshire Drive
Rood Hill Congleton Cheshire

Proposal: 19.8M High Joint Operator Street Furniture Type
Telecommunication Tower, 1no Equipment Cabinet, 1no
Meter Cabinet and All Ancillary Development

Applicant: O2 and Vodafone

Expiry Date: 28th March 2011

Ward: Congleton Town West

Date Report Prepared: 4th March 2011

SUMMARY RECOMMENDATION:**Refuse****MAIN ISSUES**

- Principle of development
- Need & Siting
- Design and Street Scene
- Health Considerations and amenity
- Highways

REASON FOR REFERRAL

This application has been called in to Southern Planning Committee by Cllr G Baxendale for the following reasons:

*“- Streetscene matters as to height and position of the mast
- Highway matters as to the visibility splay for egress from Berkshire Drive onto the A34 highway”*

DESCRIPTION OF SITE AND CONTEXT

The application site is an area of highway verge on the northern side of Rood Lane near to the junction with Berkshire Drive. It is wholly within the Congleton settlement zone. Rood Lane is one of the main approaches to Congleton from the north and the immediate surrounding area is predominantly residential.

DETAILS OF PROPOSAL

Full planning permission is sought for a 19.8 metre high joint operator telecommunications tower incorporating 6 no antennas within a GRP shroud. The mast will be galvanised/grey finish. The mast will be sited within a proposed 3 metre by 3 metre tarmac area. The proposal also includes an equipment cabinet measuring 1898mm by 789mm and 1648mm high and meter cabinet measuring 655mm by 255mm and 1015mm high. The equipment and meter cabinets will be finished in fire green (RAL 6009).

RELEVANT HISTORY

No relevant planning history

POLICIES

Adopted Congleton Borough Local Plan First Review 2005:

- PS4 Development within the 'Settlement Zone Line' of towns
- E19 Telecommunications
- GR1 General Criteria for New Development
- GR2 Design
- GR6 Amenity
- Supplementary Planning Guidance Note 9: Telecommunications Development.

Other Material Considerations

- PPG8: Telecommunications
- Code of Best Practice on Mobile Phone Network Development (ODPM 2002)

CONSULTATIONS (External to Planning)

Strategic Highways Manager

The Strategic Highways and Transportation Manager has assessed this application and offers the following comments:

- There will no significant impact on the surrounding highways infrastructure as a direct result of this development.
- No highways objections.

Further clarification was given with specific regard to visibility as follows:

- Confident that the existing visibility splays will not be compromised as a direct result of this proposal.

Environmental Health

This department believes that it is the role of national agencies such as the Independent Expert Group on Mobile Phones (IEGMP) and the Health Protection Agency (HPA) that incorporates National Radiation Protection Board (NRPB) to assess the pro's and con's of

relevant research and provide, to central government, an expert balanced view relating to the legislative framework of the UK as a whole.

We then at a local level take our lead from guidance provided, typically regarding this topic, :- PPG 8 (Telecommunications) which states that local planning authorities (this includes Cheshire East Borough Council) should not implement their own precautionary policies with respect to these installations. Determining what measures are necessary for protecting public health rests with the Government.

Given the above and providing the applicant can demonstrate that the installation meets the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure limits, there would be no health grounds for refusing the application.

VIEWS OF THE TOWN COUNCIL:

None received at the time of writing the report.

OTHER REPRESENTATIONS:

Letters of objection have been received in relation to the proposal from the occupiers of:

- 9 Rood Hill, Congleton, CW12 1NA
- 6 Berkshire Drive, Congleton CW12 1SB
- 62 Berkshire Drive, Congleton, CW12 1SA
- 64 Berkshire Drive, Congleton CW12 1SA
- 2 Wellington Close, Congleton CW12 1TA
- 9 Wellington Close, Congleton CW12 1TA

In summary the original objections relate to:

- Detrimental effect on health of local residents;
- Application should be rejected until World Health Organisation has reviewed body of evidence and made a definitive statement;
- Many properties would overlook the mast;
- House prices in the area will fall;
- There are more suitable locations in Congleton;
- The height and position of the tower will make it a very prominent feature;
- It will have an adverse impact on the local landscape character;
- It will tower above surrounding features;
- It will spoil the view;
- It is on a main approach to the town and will diminish the impression of visitors;
- The mast is not necessary as there are several in Congleton already;
- The siting would be dangerous and cause disruption on this busy road
- Maintenance would cause further problems;
- The equipment will obstruct visibility exiting Berkshire Drive;
- Possible increase in size in the future;
- Concern about television and satellite television reception interruption;
- A large number of properties will be in the main radial beam;

In addition a petition to urge the Council to deny planning permission with 78 signatures has been received.

APPLICANT'S SUPPORTING INFORMATION:

- Declaration of Conformity with ICNIRP Public Exposure Guidelines;
- General Background Information on Radio Network Development for Planning Applications;
- Health and Mobile Phone Base Stations document;
- Site-specific Supplementary Information;
- Supporting Technical Information for O2 and Vodafone showing coverage plots;
- Design and Access Statement.

OFFICER APPRAISAL

Principle of Development

Development is acceptable within the settlement zone line of towns provided that it is in keeping with the towns' scale and character and does not conflict with other relevant development plan policies.

Need & Siting

Government guidance aims to facilitate new telecommunications development, and consideration needs to be given as to whether all suitable alternative locations have been explored. PPG8 and Policy E19 of the Local Plan encourage mast and site sharing and encourage the use of existing buildings and structures.

As part of this application an exploration of alternative sites has looked into the options of siting the equipment on the following sites; Tesco Superstore, Congleton Retail Park, Congleton Business Park, NW Water Treatment Works, Congleton Park, Eaton Bank Trading Estate, Congleton Ambulance Station, The Grove Inn, Vauxhall Garage, various street furniture locations and agricultural land north west of target area. These options were discounted for various reasons, although the topography of the area is a particular constraint in finding a suitable solution within the designated search area which could address the present coverage deficit. Given that the site selection process has explored the suitability of alternative sites and the residential makeup of the area the erection of a new street works mast is not wholly objectionable in this circumstance. In addition it is recognised that this mast will offer site sharing as it will provide coverage for two operators negating the need to provide additional masts to cover the 3G network.

On this basis it is accepted that the operator has complied with guidance and explored suitable alternative sites within this search area which is predominantly residential.

Design and Streetscene

The proposed telecommunications tower has been designed as a slim monopole solution to mimic other street furniture. This design is considered to be a sympathetic solution in a highway verge location such as this and reduces the visual impact of the equipment within the streetscene. It should however be noted that in the immediate vicinity the lampposts are older concrete type poles although there are the newer type galvanised street lamps within close proximity. However at the proposed height, 19.8 metres, the telecommunications tower will be a highly prominent feature in the streetscene, and considerably higher than other street furniture in the locality. Whilst it will be seen against a backdrop of trees from some positions, this is not significant enough to negate the

detrimental impact a mast at this height would have on the visual amenity of the area. Furthermore the site is in a prominent position with Rood Lane sloping steeply down to the south. This further emphasises the mast within the streetscape and at nearly 20 metres in height it would be an unacceptably prominent feature.

The applicant has stated that the height of the tower is required to meet minimum operational requirements. However further coverage plans have been provided for alternative heights, 15 metres and 17.5 metres respectively. Whilst it is accepted there will be a reduction in coverage at a lower height, it is not considered that the reduction in coverage at a lower height balanced against the significant harm caused by a mast at the proposed height is sufficient to overcome the objections to this proposal.

Health Considerations and Amenity

With regard to any perceived health risks, PPG8 states:

‘...it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Government’s responsibility to decide what measures are necessary to protect public health.’

The advice offered by the Government’s advisors, the National Radiological Protection Board is that “the balance of evidence indicates that there is no general risk to the health of people living near base stations”. It is the Government’s view that if a proposed development meets the ICNIRP guidelines as recommended by the Stewart Report, it should not be necessary for a local planning authority to consider health effects further. It is confirmed that the installation complies with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure and that the Certificate produced by the operator takes into account the effect of the emissions from mobile phone network operators on the site. It is not considered therefore, that health considerations could form the basis of a substantial reason for refusal.

Objections have been received relating to the impact of the proposal on property value. It is not for the planning system to protect the private interests of one person against the activities of another and PPG8 notes *‘the material question is... whether the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected.’* The impact of the development on property value would not form the basis of a substantial reason for refusal.

Highways

Objections have been received relating to the siting of the mast and associated equipment cabinet in relation to Berkshire Drive and its impact on highway safety. The mast will be sited approximately 2 metres back from the kerb and the equipment 3 metres back. In this position it is not considered that the equipment will obstruct visibility for vehicles exiting Berkshire Drive to the detriment of highway safety. Furthermore the Strategic Highways Manager has raised no objections to the proposed siting of the mast and has confirmed he is satisfied that the proposal will not compromise the existing visibility splay. As a result it is considered the proposal would not raise any highway safety implications.

CONCLUSIONS

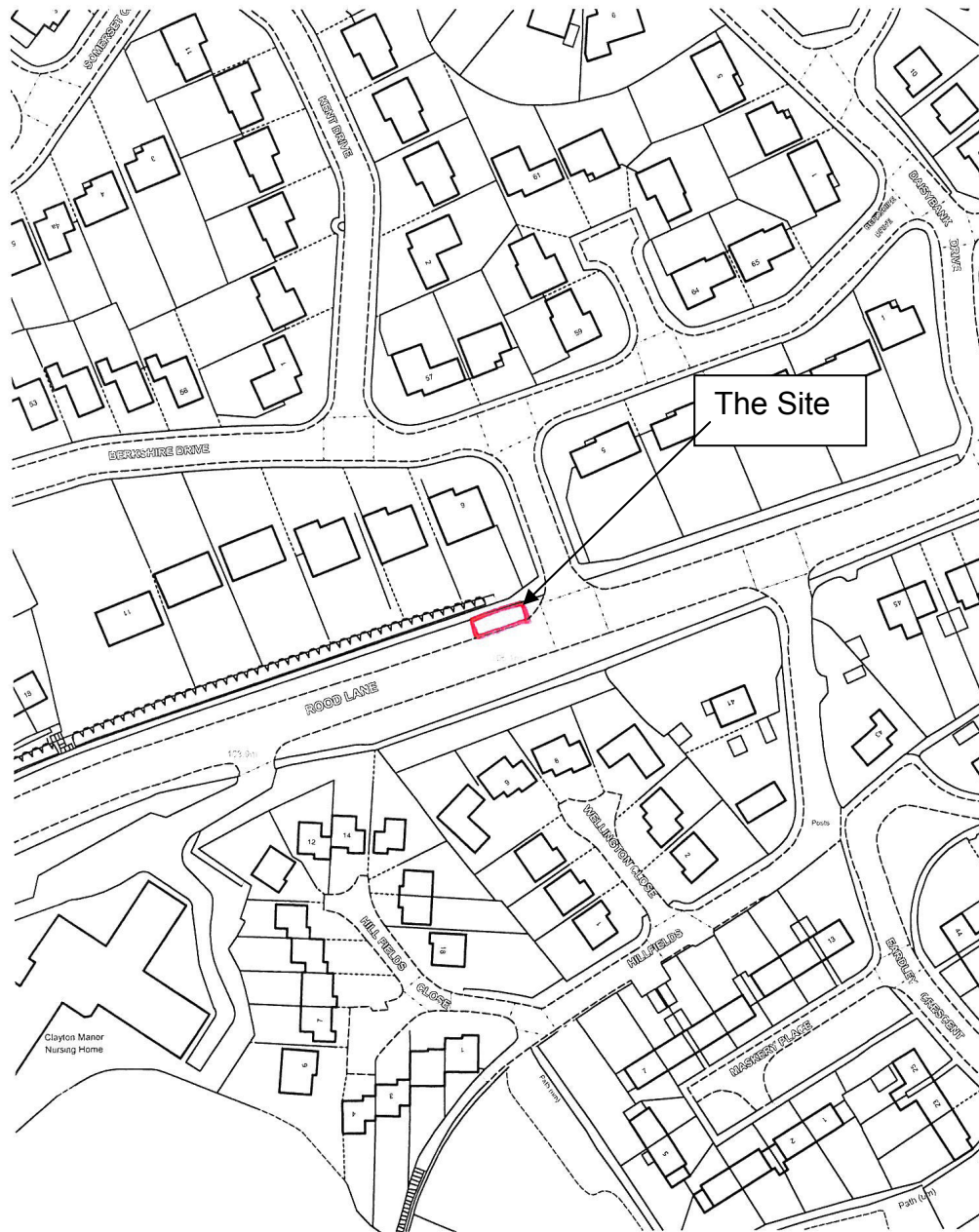
The siting of base stations is a highly emotive area of planning and is dictated largely by the need to provide coverage to populated areas. It is rare for such development to be sufficiently remote that no objections are raised from residents. Alternative sites have been considered as part of the selection process and have been rejected for a number of reasons including site owners being unwilling to accommodate the equipment, too far from the search area, and unable to provide the required level of coverage due to the local topography. However the proposed telecommunications tower, at a height of 19.8 metres would represent a very prominent feature in the streetscene not in keeping with the surroundings. It would be significantly higher than the surrounding properties and street furniture, and would create an alien and intrusive feature that has a detrimental impact on the visual amenities of the area. This is especially relevant in this built up residential area and prominent location. The proposed development is therefore not acceptable for these reasons

RECOMMENDATIONS

Refuse for the following reason

- 1. The proposed development by reasoning of its height in this prominent location within a largely residential area would represent a visually incongruous insertion that would adversely affect the visual amenity of the area of the area. The proposal is therefore contrary to Policies E19 and GR2 of the Congleton Borough Local Plan 2011 First Review 2005.**

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: **11/0495N**

Location: **Wychwood Park Hotel, Wychwood Park, Weston**

Proposal: **Extension to time limit on application P08/0497**

Applicant: **Cheshire East Council**

Expiry Date: **6th May 2011**

Ward: **Doddington**

Date Report Prepared: 3rd March 2011

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- **Principle of development**
- **Whether there have been material changes in circumstances since the previous permission was issued which would warrant a different decision.**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee because the proposal is for major development exceeding 1,000 sq m in floor area.

DESCRIPTION OF SITE AND CONTEXT

The hotel and conference centre at Wychwood Park is situated on the eastern side of Wychwood Park inside the ring road. The hotel stands in an elevated position and looks over the golf course to the west. Car parking is situated on the east side of the hotel.

DETAILS OF PROPOSAL

Planning permission was granted for the hotel with conference, training and dining facilities in 2001 (ref P01/0728). However only Phase 1 of the development was constructed. Subsequently a revised planning application was submitted and approved for the Phase 2 development in 2006 (ref P06/1013) which was the subject of further revisions in 2007 (P07/0823) Following further survey work the owners, Verve Venues Ltd, considered that the need was for a large capacity training and function room and this led to the 2008 application (ref P08/0497).

The development included a 57 bed-room wing, as approved in the previous 2007 scheme, with one large training and function room which could be subdivided into

three medium sized rooms. The leisure facility with swimming pool, spa, sauna and steam room, gym and 5 treatment rooms would be linked to the northern end of the bedroom wing. The leisure facilities would be open to non golfers and non-guests. The leisure facility would be close to but not linked to the golf club house. Reference was made in the 2008 application to future bedroom accommodation but the submission made it clear that permission was not sought for this. A new car park with 85 spaces would be provided adjacent to the new function suite.

The hotel and related facilities would be located on a sloping site and planning permission was granted at the end of 2007 for the creation of mounds between the hotel and the loop road using materials excavated to allow the construction of the development. With the reduction of bedroom numbers and removal of that part of the development called “the corner block” there would be less material to excavate. The 2008 application therefore included details for the more southern of the screening mounds which was approved under application P07/1522.

RELEVANT HISTORY

7/16321 Outline permission for residential development, golf courses, hotel and related developments. Approved 21st November 1990.

P01/0728 Reserved matters application for hotel and conference centre with related development. Approved 11th September 2001.

P05/1119 Phase 2, hotel and conference centre including 54 bedrooms, extension to training wing, and new leisure centre with parking and landscaping. Withdrawn October 2005.

P06/1013 Extension to Existing Clubhouse and Hotel forming new leisure, health spa and hotel facility with 90 additional bedrooms. Approved 28th November 2006.

P07/0823 Phase 2 of Hotel/Conference Facilities to include 102 New Bedrooms, Extensions to Training Wing and New Leisure Centre with Additional Car Parking and Hard/Soft Landscaping. Approved 31st August 2007.

P07/1522 Raising ground levels and remodelling contours. Approved 14th January 2008.

P08/0497 New function suite leisure facility and 57 additional bedrooms. Approved 23rd June 2008.

10/3022N Retention of Portacabins. Approved for 12 months February 2011.

POLICIES

The development plan for this area includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP4 Make the Best use of Existing Resources and Infrastructure

RDF2 Rural Areas

MCR4 South Cheshire

W6 Tourism and the Visitor Economy

W7 Principles for Tourism Development

Local Plan Policy

RES1. 14 Residential allocation at Weston

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

TRAN.3 Pedestrians

TRAN.5 Provision for Cyclists

TRAN.9 Car Parking

National policy

PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Development

PPG17: Planning for Open Space, Sport and Tourism

Good Practice Guide on Planning and Tourism

CONSULTATIONS

Highways: No objections to the extension in time.

Environment Agency: No response at the time of writing this report.

United Utilities: No objection to the extension in time.

VIEWS OF THE PARISH COUNCIL:

None received at the time of writing this report.

OTHER REPRESENTATIONS:

None received at the time of writing this report. The last date for the receipt of representations is 16th March 2011.

APPLICANT'S SUPPORTING INFORMATION:

A Design and Access Statement and Flood Risk Assessment were submitted with the original application.

OFFICER APPRAISAL

Principle of Development

The site is within a residential allocation in the Borough of Crewe and Nantwich Replacement Local Plan 2011. The principle of the use of this site for the hotel and conference facilities has been established by the grant of planning permission. This application seeks an extension in time to the 2008 planning permission for alterations to the development previously known as the Phase 2 development.

Material Changes in Circumstances since the Previous Planning Permission was Granted

This is an application for an extension in time introduced to make it easier for developers to keep planning permissions alive during the economic downturn. Government advice states that in determining such applications, Local Planning Authorities should only look at issues which have changed significantly since the original planning permission was previously granted.

The changes in circumstance since the permission was granted in July 2008 relating to this development are changes in National Planning Policy. PPS4 "Delivering Sustainable Development" has now been adopted. It supports the provision of employment development in sustainable locations in both urban and rural areas. Policy EC7 states that ".....local planning authorities should support sustainable rural tourism and leisure development that benefit rural business ... and which utilise and enrich rather than harm the character of the countryside, its towns, villages, buildings and other features". The Policy also states that local authorities should "support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location". The provision of the hotel and conference centre together with the leisure accommodation which includes a pool, spa, sauna, gym, treatment rooms and lounge will complement the existing hotel and golf club facilities. In terms of sustainability the site is served by a bus route on A531 and primary school and village shop in Weston. A footpath link has also been provided through Wychwood Village to Weston. Whilst the site is not particularly close to the village there are sustainable links to Weston and the grant of permission for an extension in time would be in accordance with the principles of PPS4.

Residential amenity

The location of the proposed bedroom wing, in the same location as in the 2007 application and the provision of the new leisure wing on the northern end of that accommodation, does not raise any issues relating to residential amenities being well away from the residential hamlets.

However there were concerns about noise from the new multi-purpose room which would act as a function suite or conference/ training wing. A condition was imposed on the 2008 permission for a noise insulation scheme to be submitted approved and implemented. This was to ensure that the glazed windows would not result in the emission of noise late at night for the benefit of residents at Delves Keep. The noise insulation scheme was also to include protection against noise from externally mounted plant. A further condition was also added to ensure that windows and doors would be kept closed when music is played. This would allow the doors and windows to be opened when conference and training events take place but ensure that they are closed for celebrations/ functions.

The Parish Council had previously requested that landscaping be required to separate the hotel complex and residents at Delves Keep. However it was considered that the landscaping of the site was required to enhance the setting of the hotel not to screen it out completely. The training wing is some 200m from Delves Keep and the new leisure wing is further from Delves Keep than in the 2007 approved scheme. As in the previous application, a landscaping condition can be attached to the permission

to ensure appropriate landscaping both between the complex and Delves Keep and also on the approach to the complex. Similar conditions can be attached to any new permission granted.

The owners previously agreed to install comfort control in the function room of the golf clubhouse although this is not within the application area. This can be subject to a Grampian condition to ensure its provision. This was required to ensure that the function room at the club house did not generate noise which was causing a problem in 2008.

Conditions including those for construction hours and to require the provision of hoardings around the construction site which were included in the 2008 permission can be again attached to any new permission granted.

A condition was attached to the 2008 permission for the provision of a notice board for the Parish Council. This has been provided close to the play area at Wychwood Park and there is therefore no requirement to include this condition in any new permission.

Design

The design of the development was considered previously to respect the design of the existing hotel and golf club house. The proposed bedroom wing would reflect the design of the existing adjacent bedroom accommodation. The leisure wing with a deeper hipped roof, more glazing and render is designed to complement the appearance of the golf club house. The function room would be single storey and on the southern side of the hotel. It would be designed to reflect the style of this part of the complex but includes more glazed elements than the existing function rooms. There are no objections to the appearance of the development which was approved in 2008.

Drainage

A condition on the original permission sought the submission of a scheme to control surface water run off from the mound created on site to accommodate the material excavated to allow the construction of the bedroom and leisure accommodation. This can be included in any permission issued.

Other Matters

Temporary permission has recently been granted for three portacabins on the site for a period of 12 months. The portacabins are on the site of the new function suite. They will need to be removed prior to the construction of the function suite but the temporary permission acknowledges that they are not intended for long term retention.

The last date for the submission of representations and consultation responses is 16th March, the date on which this report will be considered by the Southern Planning Committee. It is therefore recommended that the Head of Planning and Housing be authorised to consider any consultation responses and representations received on or 16th March and subject to no new material changes in circumstances being presented, the application be approved subject to conditions.

CONCLUSIONS

There have been no material changes in circumstances since the original permission was issued for this development which would warrant a refusal of this application. The development of the new bedroom wing, leisure accommodation and function suite will complement the existing accommodation at Wychwood Park expanding the hotel and conference facilities and providing additional leisure facilities. The application for an extension of time to implement the 2008 permission would be in accordance with policies in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Government guidance.

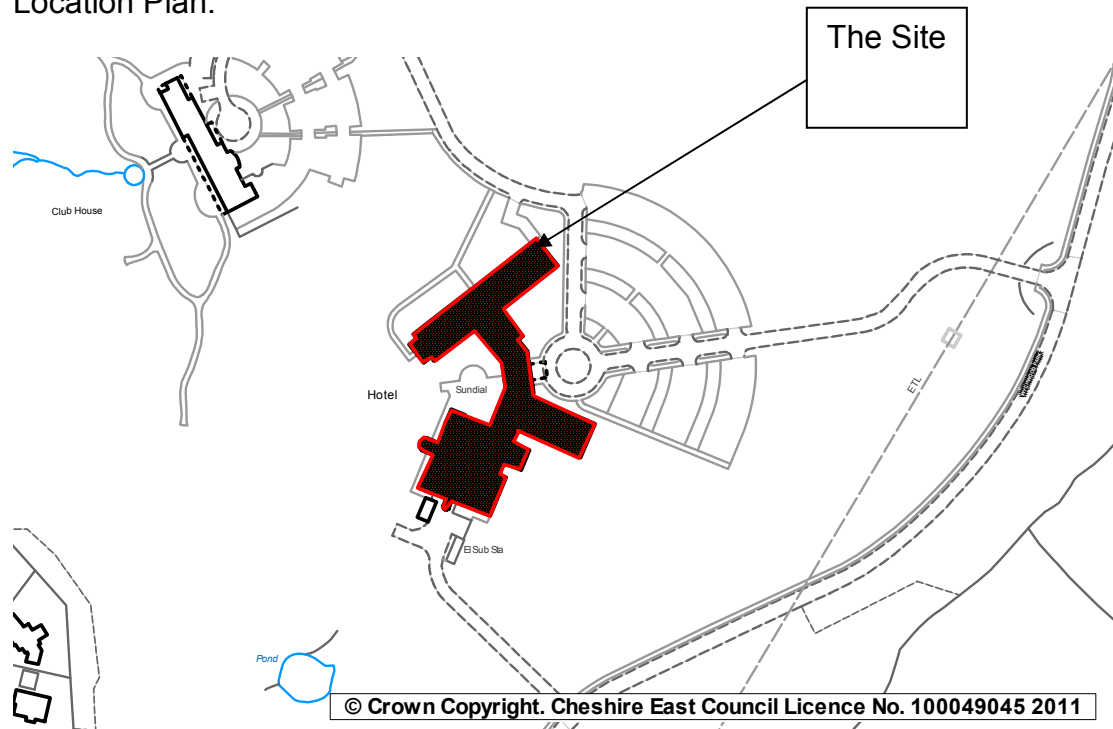
RECOMMENDATIONS

The Head of Planning and Housing be authorised to consider any consultation responses and representations received on 16th March and subject to no new material changes in circumstances being presented, the application be APPROVED subject to the conditions listed below. In the event that material changes in circumstances are identified then the application to be referred back to the Committee.

- 1. Standard**
- 2. Plans as per permission P08/0497.**
- 3. Materials as specified in the original application unless otherwise agreed in writing.**
- 4. Landscaping scheme to be submitted and approved. To include planting between the houses in Delves Keep and new development and to soften the impact of development when entering Wychwood Park.**
- 5. Landscaping to be implemented.**
- 6. Surface materials to be submitted, approved and implemented.**
- 7. Car parking to be provided as per P08/0497.**
- 8. Provision of cycle parking.**
- 9. Final Travel Plan to be submitted.**
- 10. New cycle pedestrian link to be formed between the golf club house and the leisure complex.**
- 11. Lighting scheme to be submitted, approved and implemented.**
- 12. Construction traffic routing to avoid residential hamlets.**
- 13. No construction traffic to pass through the village of Weston as per letter from Galliford Try dated 6th August 2007.**
- 14. Hours of construction 08:00-18:00 hours weekdays and 08:30 hours to 13:00 hours on Saturdays with no working on Sundays and Bank Holidays.**
- 15. Details of air conditioning units at the development and the gold club house to be submitted, approved and implemented.**
- 16. Noise insulation scheme to be submitted, approved and implemented.**
- 17. While music is played in the function suite, windows and doors to be kept closed.**
- 18. Details of hoardings to be provided to screen the construction to be submitted, approved and implemented.**
- 19. Wheel cleaning, road sweeping and spraying to be operated throughout construction in accordance with details agreed in letter dated 6th August 2007.**

- 20. Development not to exceed 165 bedrooms in total, not more than 770 sq m floor space of leisure facilities and not more than 2077 sq m of conference/ training facilities, unless varied by submission of further planning application.**
- 21. Surface water drainage scheme for mound to be submitted, approved and implemented.**
- 22. Surface water run off from car park to be passed through oil interceptors.**

Location Plan:



Application No: **11/0474C**

Location: **Barnshaw Bank Farm, Mill Lane, Goostrey, CW4 8PW**

Proposal: **Conversion of Existing Agricultural Building to form 2no Private Wwellings**

Applicant: **Mr J Ashbrook**

Expiry Date: **5th April 2011**

Ward: **Congleton Rural**

Date Report Prepared 3rd March 2011

SUMMARY RECOMMENDATION:**Refuse****MAIN ISSUES:**

- Principle of development
- Design
- Amenity
- Highway safety
- Ecology

REASON FOR REFERRAL

The following call in request was received from Councillor A Kolker:

I would like to call this planning decision to the Planning Committee. The reason for the call in is:

The controversial nature, complicated planning history, and huge public concern of the site.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to an existing brick and slate built barn building located within the Open Countryside. The building is part of an existing agricultural contracting business however, is described as redundant with the supporting information.

The site is approximately 100 metres outside of the Goostrey Settlement Zone Line and is accessed via Mill Lane which runs through numerous residential properties within the Settlement Zone Line.

DETAILS OF PROPOSAL

Full planning permission is sought for the conversion of the barn into two, separate residential units. Permission is also sought for the erection of a detached garage block which would serve the new residential units. As part of the development, a large timber section of the building would be removed from the site.

RELEVANT HISTORY

Deemed permission 22383/3 (1990)
Erection of slurry store

Letter of no observations 26807/3 (1994)
Steel frame general purpose farm building for livestock, hay store etc. and farm machinery

Approved 36744/3 (2004)
Construction of track from Mill Lane to rear of farm buildings (retrospective)

Refused 36745/3 (2004)
Change of use of part of farm to agricultural contracting business

Approved 05/0008/COU (2005)
Change of use of part of farm to agricultural contracting business

Approved 06/0131/REN (2006)
Renewal of planning permission 05/0008/COU to continue agricultural contracting business

Withdrawn 09/0030/FUL (2009)
Demolition of existing house and construction of new detached house

Approved 09/0931C (2009)
Demolition of existing house and construction of new detached house

Withdrawn 10/0319C (2010)
Single storey agricultural bungalow

Approved 10/2250C (2010)
Single storey agricultural bungalow

Pending 10/2732C
Retrospective planning application for portable office buildings

POLICIES

Congleton Borough Local Plan First Review 2005 Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR6, GR7, GR8 Amenity & Health
GR9 Accessibility, servicing and parking provision
NR2 Statutory Sites
NR3 Habitats
NR4 Non-statutory sites
BH15 Conversion of Rural Buildings
BH16 Residential Re-Use of Rural Buildings
H6 Residential Development in the Open Countryside and Green Belt
SPG2 Provision of Private Open Space in New Residential Developments
SPD7 Rural Development

CONSULTATIONS (External to Planning)

Highways:

No response had been received at the time of report preparation. Members will be informed of any comment via an update note.

Environmental Health:

No response had been received at the time of report preparation. Members will be informed of any comment via an update note.

VIEWS OF THE PARISH / TOWN COUNCIL

No response had been received at the time of report preparation. Members will be informed of any comment via an update note.

OTHER REPRESENTATIONS

No other representations had been received at the time of report preparation. Members will be informed of any comments via an update note.

APPLICANTS SUPPORTING INFORMATION

Design and Access Statement

The Design and Access Statement addresses issues relating to use, planning history, amount, layout, scale, landscaping, appearance, sustainable development, and access.

Bat Presence/Absence Survey

The survey concludes that there is no evidence of bats roosting inside the buildings however, there is evidence to suggest that the buildings are used by low numbers of foraging bats.

Without compensation measures the development would result in a minor loss of habitat quality for bats locally however, compensation measures could provide an improvement to the quality of roosting habitats for bats and birds in the locality. The report concludes that work could go ahead without the need for further survey or licensing work.

Highways Statement

The statement sets out the highways implications of the scheme on the local network in relation to existing and proposed vehicular movements at the site. It is noted however, that the statement refers to a scheme for four dwellings as part of the conversion as opposed to two.

The statement identifies that the existing business results in 887 vehicle movements per week (June 2010) and concludes that the proposed scheme would result in four times less traffic than the existing business. This would result in: -

- Significant reduction in general noise, vibration, and disturbance to the benefit of residential amenity.
- Relief to a small, narrow bridge on Mill Lane which upon visual inspection appears unsuitable for HGV traffic.
- Relief to the road surface which is starting to fall into disrepair

OFFICER APPRAISAL

Principle of Development

Policy H6 of the adopted Congleton Borough Local Plan First Review 2005 outlines a presumption against new residential development in the Open Countryside and Green Belt unless it complies with certain limited criteria: one of which is the conversion of existing rural buildings in accordance with Policies BH15 and BH16.

Policy BH15 outlines that for a rural building to be appropriate for re-use, it must be permanent, substantial, and should not require significant extension, rebuilding or extensive alteration. Supplementary Planning Document 7 stipulates to demonstrate such, the submission of a structural survey undertaken by a suitably qualified and experienced structural engineer or surveyor is necessary.

It is appreciated that the existing barn building is a substantial brick built structure however; no evidence has been submitted with the application to demonstrate that the building is structurally sound and significant rebuilding would not be necessary. The tests for Policy BH15 have therefore not been met.

Policy BH16 requires that every reasonable attempt has been made to secure business reuse at the site or that the location and character of the site is such that makes residential use the only appropriate use. This is as planning policy gives priority to the re-use of buildings for business purposes rather than for residential use, as this has greater economic benefits for the Borough and local residents. The business re-use of buildings also has potentially less impact on the character of the building itself, its curtilage and the countryside. Business re-use also accords with current Government, regional and local policy guidance to encourage rural enterprise and strengthen rural communities.

No information has been submitted with the application to demonstrate that a marketing exercise has been undertaken. However, the information within the Design and Access Statement and Highways Statement outlines that the existing contracting business which runs from the site causes significant detriment to local amenity and is unsuitable for the local access roads, therefore suggesting that residential re-use is appropriate due to the location and character of the site.

It is accepted that this site is accessed via a residential lane and the current business does result in a large amount of vehicle movements however, no consideration has been given to use of the site by other less intensive business uses. SPG 7 identifies other businesses can include offices, research and development sites, and industrial processing sites which can be carried out in resident areas (i.e. without detriment by reason of noise, vibration, smell, fumes, etc). In addition, holiday accommodation is also classed as a business use.

Other commercial uses therefore have the potential to be less intrusive as the hours of such would not necessarily be similar to the existing contracting business (Approx 03.00 – 00.00 [Highways Statement Para 2.3]) nor require the use of HGV's thus resulting in no significant impact upon residential amenity.

Simply because the existing agricultural contracting business may have become too large for the premise and now causes disruption to amenity is not a reason to completely discount other less intrusive commercial uses at the site. The fact that the business has in fact thrived on the site as it has become larger in scale would lead to the notion that the site is well located for commercial ventures.

Due to the above reasons, it is therefore not considered that residential is the only appropriate use for the site and as a marketing report has not been submitted, the tests of Policy B16 have not been met.

Design

Main Building

For conversions of barn/farm buildings it is important to retain as much of the original building fabric as possible and minimise alterations to help preserve the character of the building and produce a successful conversion.

The proposal would not make good use of the existing openings within the proposed conversion as a significant number would be either blocked up or amended in terms of size or shape. In addition, a large number of additional new openings are proposed which notably includes large glazed openings which are not in keeping with the character of the original building and many rooflights which are positioned in regular patterns – particularly on the rear elevation. Such alterations are not acceptable as new openings should be considerably restricted and original external features should be retained in order to preserve the character of the building.

In addition to the unsuitable fenestration treatment, the proposal would also include a new single storey extension on the north eastern elevation of the building. It is acknowledged that this is the place of an existing shed/store which is to be demolished however, the gable end extension does not relate well to the existing 'C' shaped footprint of the original barn and it contains a large patio style opening which is not appropriate as such are considered overly domesticated in appearance for barn buildings.

It is acknowledged and accepted that the barn has had previous alterations which have not necessarily been in keeping with its character and identify as repairs have been undertaken in a different brick however; such would not justify any further loss of character.

Garages

A new garage block is proposed as part of the development which would provide a double garage for each of the new residential units. The garage would be sited approximately 16 metres to the south east and would be positioned at a slight angle in comparison to the barns.

SPD7 outlines that the provision of parking should be carried out in a way that avoids any detrimental effects on the character of an area, proposals should aim for small-scale areas of hard standing, and garaging of cars should be within existing buildings where possible so as to reduce the impact of vehicles upon the countryside. It specifically outlines that new garages should be avoided.

The proposed garage block is not considered acceptable by virtue of its positioning which is not appropriately located in relation to the existing barn. In addition the garage is considered to be of an excessive scale by virtue of its 93 square metre footprint. Alternative parking solutions would be more appropriate for this rural setting i.e. courtyard parking would be more appropriate as this would not result in any new buildings and parking would be contained within the building footprint and would not be visible from the wider Open Countryside.

Amenity

Two dwellings are located in close proximity to the proposed conversions – one approximately 68 metres to the north and one 4 metres to the south. By

virtue of these distances between the properties and as there would be no overlooking between principal windows, the impact upon the privacy afforded to these residential properties is considered acceptable.

With regard to the impact upon the amenity and privacy afforded to future residents of the proposal, there are two issues for consideration – distances between the individual units and the areas of private amenity space.

With regard to distances between the proposed units, the units are positioned around a central courtyard with a distance of approximately 15.5 metres between facing elevations. Whilst this is below the recommended minimum privacy distance, as no principal windows would be directly facing, this is not considered to be of significant concern.

With regard to the private amenity space, separate areas have been identified for use by each of the units. The areas identified for the units would extend to the east, north, and west of the site and would provide significantly large curtilage areas. Such large spaces have the potential to appear overly domesticated however; it is considered that the strict control over ancillary buildings and boundary treatment could ensure that these areas remain appropriate within the Open Countryside.

Highway safety

The new development would be accessed via an existing access track off Mill Lane.

No response has been received from the Strategic Highways Manager at the time of report preparation however, Members will be provided with such comments via an update.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

This is providing that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NR2 seeks to afford the appropriate protection to sites or habitats that support species protected by law and outlines that developers are required to submit a comprehensive assessment of proposals on nature conservation standards.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

In this case a Bat Presence/Absence Survey was submitted with the application. Such identified that there is no evidence of bats roosting inside the buildings however, there is evidence to suggest that the buildings are used by low numbers of foraging bats. It was also identified that without compensation measures the development would result in a minor loss of habitat quality for bats locally however, compensation measures could provide an improvement to the quality of roosting habitats for bats and birds in the locality. The report concludes that work could go ahead without the need for further survey or licensing work.

Members of the Planning Committee will be provided via an update of the suitability of the submitted report when consultation has been completed with the Council's Nature Conservation Officer.

CONCLUSIONS

It has not been demonstrated that the proposal is acceptable in principle as although it is argued that the present commercial use is detrimental to residential amenity, alternative commercial uses would not necessarily have the same impact. Residential re-use is therefore not the only option for development of the site and alternatives should be first explored i.e. a marketing exercise should be undertaken to see if there is any other commercial interest in the building.

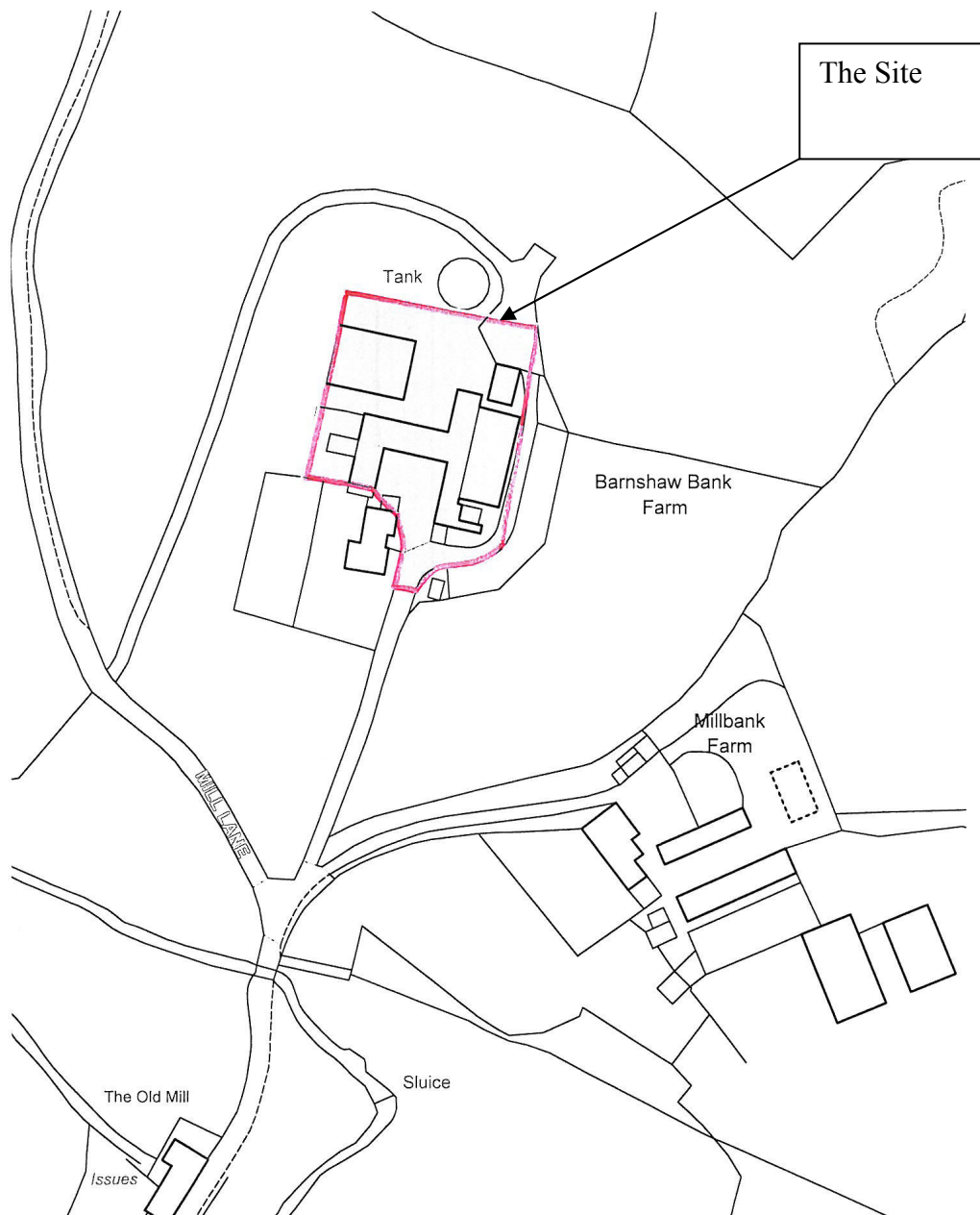
It has also not been demonstrated that the building is suitable for conversion as no structural survey has been submitted with the application.

With regard to the design of the proposal, the proposed alterations are unacceptable and would have a detrimental impact upon the character and identity of the existing building contrary to Local Plan policy.

RECOMMENDATION: Refuse for the following reasons:

- 1. Insufficient information has been submitted with the application relating to the structural stability of the existing barns. As a result the proposal has failed to demonstrate that the building is permanent, substantial, and would not require extensive alterations, rebuilding or extension. It has therefore not been demonstrated that the building is capable of conversion as required by Policy BH15 of the Congleton Borough Local Plan First Review 2005.**
- 2. Insufficient marketing information has been submitted with the application to demonstrate that every reasonable attempt has been made to secure suitable business re-use of the site. In addition, the proposal fails to demonstrate that the location and the character of the site is such that residential use is the only appropriate use. As a result the proposal is contrary to Planning Policy BH16 of the adopted Congleton Borough Local Plan First Review 2005.**
- 3. The proposed development fails to achieve an adequate quality of design to justify approval of planning permission. In reaching this conclusion regard was had to the number of alterations to the building which would include numerous new openings, the removal of existing openings, a new single storey extension, and overly large detached garage block which by virtue of its scale and positioning would detract from the barn building. It is therefore concluded that the proposal would detract from the character and appearance of the existing barn and be contrary to policies GR1, GR2, and SPD7 of the adopted Congleton Borough Local Plan First Review 2005.**

Location Plan: Cheshire East Council Licence No. 100049045



CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 16 March 2011

Report of: Planning and Development Manager

Title: Report in Relation to Section 106 Agreement for New Scout Hut on Land at Bunbury Playing Fields, Bunbury

1.0 Purpose of Report

- 1.1 To seek the approval of the Committee for alterations to the “The Tree Planting Scheme” in the Section 106 Agreement for the Scout Hut which has now been completed and is in occupation at Bunbury Playing Fields Bunbury, which was the subject of planning application P08/0167. The effect of the variation would be to allow the replacement trees to be re-sited and planted, along the eastern boundary of the playing fields rather than adjacent to the southern boundary next to the tennis courts.

2.0 Decision Required

- 2.1 To approve the variations to the “Tree Planting Scheme” contained in the Section 106 Agreement relating to Bunbury Playing Fields” in the manner set out in paragraph 6.4 of this report.

3.0 Financial Implications for the Council

- 3.1 Costs for staff time to vary the Agreement. However charges for the legal costs will be payable to the Council by the applicant.

4.0 Legal Implications for the Council

- 4.1 None

5.0 Risk Assessment

- 5.1 None.

6.0 Background and Report

- 6.1 A report on planning application P08/0167 for the Erection of a Scout Hut was considered by the Development Control Committee of the former Crewe and Nantwich Borough Council on 9th October 2008. The

application was recommended for approval subject to the applicant signing a Section 106 Agreement to provide replacement tree planting and also to prevent the conversion of the former scout hut prior to the construction of the new one.

- 6.2 The Section 106 agreement was completed, signed and the planning permission issued on the 10th January 2010. That permission has now been implemented and the development is complete.
- 6.3 The detail of the Section 106 agreement required the planting of six double blossom Japanese flowering cherries along the southern boundary of the playing fields. The Scout Group is contracted to care for the trees for the first two years including installing tree protection measures. After the first two years when the trees are established, duty of care for the trees will transfer to Bunbury Parish Council which has overall responsibility for the playing fields.
- 6.4 The applicant is seeking to vary the terms of the Section 106 Agreement to allow the trees to be provided along the eastern boundary of the Playing Fields, instead of the southern boundary.
- 6.5 The Parish Council and the applicant considered that the location now proposed for the cherry trees would impact less upon the functional use of the playing field whilst still contributing to the visual amenity value of the playing fields. The trees would be of the same species and planted at the same densities and would still make a contribution to the appearance of the playing fields.
- 6.6 The trees would back onto the eastern boundary of the playing fields which lies adjacent to a wooded area. The trees would therefore not adversely affect residential amenity and would enhance the amenity value of the playing fields.

7.0 Reasons for Recommendation

- 7.1 The amended location would not reduce the amenity value of the proposed trees. On this basis it is not considered reasonable or necessary to insist the applicant provide the trees in the location as originally proposed, and as specified within the Section 106 agreement.

For further information:

Officer: Lauren Thompson, Planning Officer
Tel No: 01270-537067
Email: Lauren.thompson@cheshireeast.gov.uk

Background Documents:

Planning File and correspondence reference P08/0167

Email from Bunbury Scout Group dated 20 February 2011

Documents are available for inspection at: Municipal Buildings, Earle Street,
Crewe CW1 2BJ

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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 16 March 2011
Report of: Adrian Fisher, Head of Planning and Policy
Title: Elworth Hall Farm, Dean Close, Elworth

1.0 Purpose of Report

- 1.1 To consider the withdrawal of a reason for refusal relating to planning application 10/2006C for the Demolition of the existing buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works.

2.0 Decision Required

- 2.1 To agree to withdraw the second reason for refusal in respect of contaminated land and to instruct the Head of Planning and Housing not to contest the issue at the forthcoming public inquiry.

3.0 Background

- 3.1 Members may recall that on the 24th November 2010, Southern Planning Committee considered 2 applications for alternative schemes for the redevelopment of Elworth Hall Farm at Sandbach. (Applications 10/2006C and 10/1765C refer)
- 3.2 Committee resolved to refuse planning permission for 10/2006C for the demolition of the existing buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works, for two reasons. Firstly, the proposal involved new residential development in the open countryside, contrary to established local plan policy and the Council's Interim Policy on Release of Housing Land. Secondly, the Contaminated Land Report submitted with the application was commissioned in November 2007 and did not represent current site conditions. In addition the report identified high levels of hazardous gases present on site that had the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated.
- 3.3 The alternative scheme (10/1765C) for the partial demolition of the existing site (including modern agricultural buildings and existing dwelling) conversion of the remaining existing buildings to form 7 dwelling and the erection 11 additional dwellings within the curtilage of the existing residential property, generated the same concerns in respect of contaminated land. However, rather than refuse the

application on these grounds alone committee resolved to grant delegated powers to the Head of Planning and Housing to approve the application subject to the satisfactory conclusion of on-going negotiations in respect of the contaminated land issue, and the Council's Environmental Health officers withdrawing their objection to the scheme.

3.4 This has now taken place, and planning permission has now been granted to application 10/1765C, subject to appropriate conditions, including those relating to mitigation of the contaminated land impact. In so doing, this has also resolve the contaminated land issues in respect of the refused application 10/2006C.

3.5 However, during the intervening period, the applicant has lodged an Appeal against the refusal of application 10/2006C and has opted to have the Appeal heard at a Public Inquiry. In the light of the recent decision on application 10/1765C it is considered that the contaminated land reason for refusal on application 10/2006C would no longer be sustainable at the Appeal.

3.6 In the event that the appeal was successful, and the Inspector was of the view that development in the Open Countryside was acceptable, conditions could be imposed to address the contaminated land issue.

4.0 Conclusion

4.1 On the basis of the above, it is considered that the Council should withdraw the contaminated land reason for refusal and agree with the Appellant not to contest the issue at Appeal.

5.0 Recommendation

5.1 That the Committee resolve to withdraw the second reason for refusal in respect of contaminated land and to instruct the Head of Planning and Housing not to contest the issue at the forthcoming public inquiry.

6.0 Risk Assessment and Financial Implications

6.1 There is a risk that if the Council continues to pursue the contaminated land reason for refusal at Appeal, when the issue can be adequately dealt with via conditions, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.

6.2 There would also be an implication in terms of the Council's own costs in defending the reason for refusal.

6.3 There are no risks associated with not pursuing the reason for refusal at Appeal.

7.0 Consultations

Borough Solicitor

- 7.1 The Borough Solicitor has been consulted and recommends the withdrawal of the reason for refusal.

Environmental Health

- 7.2 The Environmental Health Section have confirmed that in the light of the information now received, the contaminated land issues can be adequately dealt with by means of condition.

8.0 Reasons for Recommendation

- 8.1 To ensure that an approved scheme for essential affordable housing within the rural area is delivered.

For further information:

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Background Documents:

Applications 10/2006C and 10/1765C

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